

Also, memorial of the Municipal Assembly of Catano, P. R., memorializing the President and the Congress of the United States to endorse Congressman McGEHEE's resolution, demanding the immediate removal of Rexford Guy Tugwell as Governor of Puerto Rico, and for other purposes; to the Committee on Insular Affairs.

Also, memorial of the Municipal Assembly of Dorado, P. R., memorializing the President and the Congress of the United States to endorse Congressman McGEHEE's resolution asking the immediate removal of Rexford Guy Tugwell as Governor of Puerto Rico, and for other purposes; to the Committee on Insular Affairs.

Also, memorial of the Municipal Assembly of Penuelas, P. R., memorializing the President and the Congress of the United States to approve Congressman McGEHEE's resolution demanding the immediate removal from the office of the present Governor of Puerto Rico, Dr. Rexford Guy Tugwell, and for other purposes; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of Maryland:

H. R. 4702. A bill for the relief of Carroll I. Young; to the Committee on Claims.

By Mr. D'ALESSANDRO:

H. R. 4703. A bill for the relief of the estate of Annie Brown; to the Committee on Claims.

By Mr. HARRIS of Virginia:

H. R. 4704. A bill for the relief of Hilda M. Crouch; to the Committee on Claims.

H. R. 4705. A bill for the relief of Columbus M. Spencer; to the Committee on Claims.

H. R. 4706. A bill for the relief of Ernest A. Wild; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 4707. A bill for the relief of J. Fletcher Lankton and John N. Ziegele; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5599. By Mr. BARRETT: Petition of Rev. S. C. Ryland and 17 other citizens of Gillette, Wyo., urging consideration and support for the passage of House bill No. 2082, suspending the alcoholic beverage traffic for the duration of the war; to the Committee on the Judiciary.

5570. By Mr. HALE: Petition of the G. Fayette Staples Post Auxiliary, No. 57, American Legion, Old Orchard Beach, Maine, for the passage of the veterans' omnibus bill as a small payment of the debt owed to the men who are offering their lives in defense of our country; to the Committee on World War Veterans' Legislation.

5571. By Mr. EDWIN ARTHUR HALL: Petition of the Hall Furlough Club, No. 6, seventh ward, Binghamton, N. Y., and signed by 102 residents of the Thirty-fourth Congressional District, urging the passage of Hall furlough bill (H. R. 1504) providing free transportation during furloughs for members of our armed forces; to the Committee on Military Affairs.

5572. By Mr. KENNEDY: Petition of the Fourteenth Assembly District of Republican Club of New York City, advocating the amendment of article II, section 2, paragraph 2, of the Constitution of the United States; to the Committee on the Judiciary.

5573. By Mr. MYERS: Petition of sundry citizens of Philadelphia, Pa., protesting against the enactment of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

5574. By Mr. SMITH of West Virginia: Petition of Mrs. Bertha H. Harrington and 94 other citizens of Charleston, W. Va., urging the enactment of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

5575. By Mr. WIGGLESWORTH: Petition of the House of Representatives of Massachusetts, favoring improved and additional airline service for Massachusetts; to the Committee on Interstate and Foreign Commerce.

5576. By the SPEAKER: Petition of the secretary-treasurer, Southern University Conference, petitioning consideration of their resolution with reference to the education of returning veterans; to the Committee on Education.

SENATE

FRIDAY, APRIL 28, 1944

(Legislative day of Wednesday, April 12, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of truth and beauty, for the glory of the garden, for trees and flowers, winding lanes and fragrant meadows, and for the feathered loveliness of winged songsters: God of all nature, we give Thee thanks.

For a part and place on the side of the angels in this raging struggle against the powers of darkness and the principalities of evil: God of all truth, we give Thee thanks.

For the valiant armies of youth gaily and gladly, yet with stern resolve, offering their lives to enthrone liberty, decency, and justice; for all physicians and nurses in hospitals so near the searing battle fronts, with strain taxing human endurance, striving to meet appalling need: O Thou God of freedom, we bless Thy name.

For those in overrun countries who meet tyranny with unblinking eyes of defiance rather than bow the knee to the debasing Baal: Thou God of unconquered souls, we give Thee thanks.

For every sign through the darkness of these dread days of the daybreak whose welcome dawn shall yet surely bathe the strained faces of waiting millions when the glad cry will echo, Life again! Joy again! Light again! Home again! in a world saved from savagery to liberty in a bright tomorrow: We give Thee thanks, O God of our hope and our salvation. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, April 25, 1944, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he also announced that

the President had approved and signed the following acts:

On April 22, 1944:

S. 1028. An act to amend the Fire and Casualty Act of the District of Columbia.

On April 24, 1944:

S. 866. An act to fix the compensation of registers of the district land offices in accordance with the Classification Act of 1923, as amended.

On April 26, 1944:

S. 962. An act for the relief of Mr. and Mrs. Frank Holehan;

S. 1399. An act for the relief of Frank Knowles;

S. 1433. An act for the relief of Clarence A. Giddens;

S. 1484. An act for the relief of Walter Eugene Hayes;

S. 1517. An act for the relief of Staff Sgt. Marlon Johnson, United States Marine Corps and Sgt. George B. Kress, United States Marine Corps Reserve;

S. 1542. An act to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in building B. O. Q. O-3 at the United States naval construction training center, Davisville, R. I., on March 27, 1943;

S. 1632. An act for the relief of Capt. S. E. McCarty (Supply Corps), United States Navy;

S. 1676. An act for the relief of Sgt. Maj. Richard Shaker, United States Marine Corps;

S. 1677. An act for the relief of Lt. (Jr. Gr.) Newt A. Smith, United States Naval Reserve, for the value of personal property lost or damaged as the result of a fire occurring on August 11, 1943, in quarters occupied by him in the armory of Aviation Free Gunnery Unit, Dam Neck, Va.; and

S. 1681. An act to provide for reimbursement of certain Marine Corps personnel attached to Marine Utility Squadron 152 for personal property lost or damaged as the result of a fire in officers' quarters on February 9, 1943.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, returned to the Senate, in compliance with its request, the bill (S. 176) for the relief of Austin L. Tierney.

The message announced that the House had passed without amendment the joint resolution (S. J. Res. 122) to limit the operation of sections 109 and 113 of the Criminal Code, and sections 361, 365, and 366 of the Revised Statutes, and certain other provisions of law.

The message also announced that the House had passed a bill (H. R. 4679) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1945, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 45. An act to amend section 3 of the act of June 7, 1924 (43 Stat. 653; 16 U. S. C. 566); and

S. 1757. An act to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia."

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following communication and letter, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, DEPARTMENT OF STATE (S. Doc. No. 186)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of \$50,000 for the Department of State, fiscal year 1945, in the form of an amendment to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of the Departments of War (3), Navy, and Agriculture (2); War Manpower Commission, Office for Emergency Management, and Selective Service System which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

Two memorials of the Senate of Arizona; to the Committee on Banking and Currency:

"Senate Memorial 2

"Memorial on the preservation of home industries

"To the President and the Congress of the United States:

"Your memorialist respectfully represents:

"Agreement should be unanimous that this Nation's No. 1 policy, at this time, is the winning of the war at the earliest possible moment, that lives may be saved, the freedom we so highly prize insured, and economic and social dislocation minimized.

"It is the paramount duty of every loyal citizen to cheerfully make any necessary sacrifice, to cheerfully endure any inconvenience imposed by the exigencies of the existing emergency.

"Nevertheless, while never losing sight of the above primary objectives, it is also of great importance to give consideration to the present and future effects of the disruption of industries essential to the welfare and happiness of the people and the prosperity of communities, States, and the Nation, and in all possible cases to alleviate conditions which tend to their destruction.

"Two of Arizona's major industries are mining and cattle raising. With respect to these vital industries upon which so much depends, both in peace and war, the facts are: (1) That many mining properties, even properties containing minerals essential to the war effort, are idle, their plants closed, their organizations disrupted, their taxpaying ability reduced to zero, although certain fixed expenses must still be met; (2) that many thousands of cattle fit and ready for use as food are roaming the ranges, an expense rather than an asset to their owners, for the reason that under existing regulations they cannot be consumed locally, although beef is shipped in from packing plants far distant from Arizona, to the further aggravation of the transportation problem.

"Furthermore, with respect to the particular industries cited, similar commodities are

being imported in large quantities from other countries.

"There is no intention, in calling attention to this situation, to criticize the so-called good-neighbor policy, but neither is it assumed that this policy, which commends itself to all thoughtful American citizens, contemplates the destruction or crippling of this Nation's industries or the impoverishment of its citizens.

"Wherefore your memorialist, the Senate of the State of Arizona, urgently requests:

"1. That immediate consideration be given to modification of the policy and the alteration of regulations which have the effect of discontinuing mining operations while essential metals susceptible of being produced at home are procured from abroad, and which prevents the marketing of cattle feeding on Arizona's ranges while processed meats are being shipped to many communities well able to supply all local needs."

"Senate Memorial 3

"Memorial requesting the coordination of regulations affecting the production and availability of beef

"To the President and the Congress of the United States:

"Your memorialist respectfully represents:

"The United States Government, through its several agencies charged with the direction and management of phases of the war effort, has consistently and repeatedly appealed to the Nation's producers to redouble their efforts in the production of essential foodstuffs, to the end that this country's fighting men may be well fed, the resources of the armed forces of the Allies supplemented, aid extended to ravaged and impoverished peoples, and adequate subsistence provided for citizens and residents of the United States fighting the war on the home front.

"This appeal has with particular emphasis been directed to producers of meat, since it is well understood that meat is a principal and indispensable part of the American diet.

"The Government's call has met with prompt and wholehearted response, and all previous records for the production of staple articles of food have been eclipsed.

"Despite the efforts which have been put forth and the success, so far as production is concerned, which has attended them, it is an indisputable fact, inconsistent and incongruous as it may seem, that with respect to certain commodities, and conspicuously so with respect to beef, a definite shortage exists throughout the Nation.

"With the ranges overpopulated by a record increase of 12,000,000 head of beef cattle, the markets are illy supplied with beef, and citizens possessed of necessary ration points are unable to have their legitimate wants supplied.

"This undesirable condition reaches not only the consumer, but as well vitally affects the producer, who has done all within his power to meet the responsibility placed upon him by his Government. His ranges are overcrowded with cattle he cannot sell, to the injury of the ranges, and his breeding stock is becoming overaged.

"These conditions, serious alike to the consumer and the producer, are due, it is felt, to lack of coordination of the policies and regulations of the several governmental agencies whose orders affect the cattle industry, and the failure of certain of such agencies to comprehend the nature of the problems involved. To the consumer, ration points for beef have little value when the beef cannot be found in the markets, although there is an abundance of cattle on the range to meet their demands. To the producer, an increase in herds serves little purpose when he cannot sell his cattle. The packer

cannot buy beyond his quota, and therefore is unable adequately to supply the markets.

"Wherefore your memorialist, the Senate of the State of Arizona, earnestly requests:

"1. That immediate steps be taken to place in the hands of a single agency all questions affecting the production, distribution and sale of meat for food.

"2. That such agency be composed of representatives of consumers, producers, and the Government."

A memorial of the Senate of Arizona; to the Committee on Commerce:

"Senate Memorial 1

"Memorial praying Congress to extend the Civilian Pilot Training Act of 1939

"To the Congress of the United States of America:

"Your memorialist respectfully represents:

"The expansion of civil aeronautics superinduced by the war, and the corollary demand for competent air pilots, will be multiplied in all its phases upon the return of peace activities.

"Without the stimulating effect of the Civilian Pilot Training Act of 1939 the need for civilian pilots could not have been met. Without a continuation of the benefits of this act a tremendous shortage of pilots will occur, and a lucrative and useful field of employment will be denied many thousands of men.

"Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress pass S. 1432 or H. R. 4079, extending the life of the Civilian Pilot Training Act to July 1, 1949.

"Adopted by the senate, March 13, 1944.

"Approved by the Governor, March 14, 1944.

"Filed in the office of the secretary of state, March 14, 1944."

A joint memorial of the Legislature of Arizona; to the Committee on Finance:

"Senate Joint Memorial 2

"Joint memorial requesting the Congress of the United States of America to increase the amounts of grants to States for old-age assistance

"To the Congress of the United States of America:

"Whereas under the acts of Congress now in effect providing for payments to the States for old-age assistance, the amount contributed to the States is limited to one-half of the total of the sums expended during each quarter as old-age assistance, not counting so much of such expenditure with respect to any individual as exceeds \$40; and such limitation discourages the States from assuming an unequal share of the expenditures by providing for maximum payments to individuals of more than \$40 per month; and

"Whereas it is recognized by the United States Government and the several departments thereof that the cost of living has greatly increased since the enactment of old-age assistance legislation by the Congress, and the amount presently contributed by the United States does not take into consideration such increased cost of living, and the needy aged will suffer as a result thereof; and

"Whereas the dislocation of the civilian population during the present war, caused by the migration of a large segment of the population from their home States to other States, has and will place an undue and unequal burden on certain States, including the State of Arizona, to the advantage of other States; and

"Whereas the mild winters and excellent climatic conditions in Arizona and other Southwestern States has induced and will continue to induce large numbers of people to leave their home States and remove to Arizona and such other Southwestern States in their latter years of life in order to qualify for old-age assistance; and

"Whereas old-age assistance is, therefore, essentially a national and Federal problem which should be wholly provided for by the National Government: Now, therefore, your memorialist, the Legislature of the State of Arizona, prays:

"That the Congress of the United States of America speedily enact such legislation as

"(1) will recognize that old-age assistance should be wholly assumed by the National Government and provide that all amounts paid to aged needy individuals shall be paid by the National Government; or as

"(2) will provide for payment to the States of an amount for old-age assistance equal to one-half of the total of all sums expended during any quarter up to the maximum amount provided by the law of each State, respectively, to be paid to any individual.

"Adopted by the senate, March 14, 1944.

"Adopted by the house, March 16, 1944.

"Approved by the Governor, March 17, 1944.

"Filed in the office of secretary of state, March 18, 1944."

A memorial of the Senate of Arizona; to the Committee on the Judiciary:

"Senate Memorial 4

"Memorial relating to the regulation of the insurance business

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Bills are now pending in Congress (H. R. 3269, H. R. 3270, and S. 1362) to affirm the intent of Congress that the regulation of the business of insurance remains within the control of the several States and that the acts of July 2, 1890, and October 15, 1914, as amended, be not applicable to that business. The bills in question are designed to leave the regulation of the business of insurance with the several States.

"The State of Arizona receives from its insurance premium tax law, and from fees for the licensing of insurance companies and insurance agents, an average, based on the revenue during the last 5 years, of more than a quarter of a million dollars annually, such proceeds during the year 1943 amounting to \$305,643.74.

"Insurance business in this State is highly competitive. There are at present authorized to do business 143 stock fire companies, 7 mutual fire companies, 1 reciprocal fire company, 31 stock life insurance companies, 8 mutual life insurance companies, 89 miscellaneous stock companies, 10 miscellaneous mutual companies, and 3 miscellaneous reciprocal companies. In the year 1943, 4,627 individual insurance agents were licensed.

"A large portion of the premium tax collected from fire insurance companies is set aside under the law for the benefit of the firemen's pension fund.

"Fire insurance rates are determined primarily by local conditions, particularly the availability of water supply, fire fighting equipment, and the efficiency of fire departments, all matters peculiarly within the jurisdiction of State and local agencies.

"By developing safety factors under State regulation, the fire insurance rates in Arizona were reduced 53.6 percent between the years 1926 and 1942.

"Should the regulation of insurance companies be withdrawn from the States such action would result in (a) the loss of a large amount of revenue now paid to the State of Arizona, requiring an increase in taxes upon other properties to supply such deficiency; (b) further encroachment by the Federal Government on the prerogatives of the State and the withdrawing from State regulation of a matter which can most practically be regulated by State and local agencies; (c) placing under Federal regulation the business and means of livelihood of at least 4,627 citizens of Arizona now actively engaged in the insurance business; (d) destruction of the premium and rate structure built up over the years by competitive

methods, which has resulted in a decrease in fire insurance rates in this State of 53.6 percent.

"Wherefore your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress speedily enact the bills H. R. 3269, H. R. 3270, and S. 1362."

A concurrent memorial of the Legislature of Arizona; ordered to lie on the table:

"House Concurrent Memorial 1

"Concurrent memorial requesting Congress to enact the proposed bill of rights for men and women in the armed services

"To the Congress of the United States:

"Your memorialist respectfully represents: "There are now approximately 10,000,000 persons in the armed forces of the United States.

"The Nation owes these men and women an eternal debt of gratitude, a debt which can never fully be repaid, but the Government can, however inadequately, evidence its appreciation of their services by making the transition period less difficult.

"It is therefore incumbent upon the Nation to make some provision for these service men and women.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, urgently requests:

"1. That the Congress of the United States promptly enact S. 1617, by Senator CLARK and others, and H. R. 3917, by Representative RANKIN and others, which embody the program of the American Legion, known as the bill of rights for men and women now in the armed services.

"Passed by the house, March 15, 1944.

"Passed by the senate, March 16, 1944.

"Approved by the Governor, March 20, 1944.

"Filed by the secretary of state, March 20, 1944."

Petitions of sundry citizens of Brooklyn, N. Y., praying for the enactment of legislation to extend the Office of Price Administration, and also for an immediate roll-back of prices; to the Committee on Banking and Currency.

Resolutions adopted by Santa Monica Bay District Central Labor Council, of Santa Monica, Calif., and the National Maritime Union of America, of Charleston, S. C., favoring the adoption of measures to establish a Nation-wide broadcast of congressional proceedings to the Committee on Rules.

By Mr. McFARLAND:

A joint memorial of the Legislature of Arizona; to the Committee on Education and Labor:

"House Joint Memorial 1

"Memorial relating to the removal of temporary war housing in Arizona to rural areas

"To the Congress of the United States and to the United States Senators and Congressmen from the State of Arizona:

"Your memorialist respectfully represents:

"A large number of temporary housing units have been constructed in many localities in Arizona and are being administered by the Federal Public Housing Authority in connection with war activities in this State.

"When such war activities are terminated, continued operation of such housing in these localities by the Federal Public Housing Authority will depress the real-estate market and have a detrimental effect upon private home-building enterprise.

"There exists in certain rural areas in the State a distinct need for improved housing facilities for farmers with small incomes and for farm labor.

"Removal of such housing administered by the Federal Public Housing Authority to such rural areas and availability thereof to such farmers and farm labor through the media of authorized local authorities would be in the interest of the State and of the Federal Government.

"It is a matter of State concern that the removal and disposition of the temporary housing constructed and administered by the Federal Public Housing Authority for war purposes be effected in a manner designed to protect private enterprise and to effectuate the public purpose of making such housing available to such farmers and farm labor within this State.

"Wherefore your memorialist, the Legislature of the State of Arizona, prays:

"That the Congress authorize the removal of such housing, when no longer essential to the war effort, through the medium of, or by sale or other disposition to, the State of Arizona or to appropriate local public agencies in the State of Arizona, for the purpose of making such housing available to farmers of small income and to farm labor in the State of Arizona, who are in need of improved housing facilities.

"Passed by the house, March 15, 1944.

"Passed by the senate, March 15, 1944.

"Approved by the Governor, March 17, 1944."

(The VICE PRESIDENT also laid before the Senate a memorial identical with the foregoing, which was referred to the Committee on Education and Labor.)

VETERANS' BENEFITS—RESOLUTION BY AMERICAN LEGION, DEPARTMENT OF MARYLAND

Mr. TYDINGS. Mr. President, I ask unanimous consent to present a resolution adopted by the American Legion, Department of Maryland, relating to Senate bill 1767, the so-called G. I. bill of rights. I request that the resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

The department commander, the grande chef de gare, five department vice commanders, and the commanders, adjutants, and membership chairmen of 101 posts of the Department of Maryland, assembled at the War Memorial Building, Baltimore, Md., on Sunday, April 23, 1944, for the annual membership round-up, respectfully request Congressman JOHN E. RANKIN, chairman of the Veterans' Legislation Committee, to immediately report the G. I. bill of rights—Senate 1767—to the House floor, and any controversial sections be submitted to the Members of the House so that this bill may be enacted into law before May 30, 1944, as a tribute to the memory of all the men and women who have given their lives for the preservation of our country, and further that a copy be sent to the senior Senator from Maryland, the Honorable MILLARD E. TYDINGS; and the senior Representative of the Maryland delegation, the Honorable THOMAS D'ALESSANDRO, for insertion in the CONGRESSIONAL RECORD.

CONTROL OF MISSOURI RIVER FLOODS—RESOLUTION BY CITY COUNCIL OF OMAHA, NEBR.

Mr. BUTLER. Mr. President, I ask unanimous consent to present for printing in the RECORD and appropriate reference a resolution adopted by the city council of Omaha, Nebr.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

CITY OF OMAHA COUNCIL CHAMBER,
Omaha, Nebr., April 18, 1944.

Whereas during the last few days, Omaha and the surrounding territory, on both sides of the Missouri River, has witnessed the return of destructive spring floods; and

Whereas many thousands of acres of valuable productive land and many homes have been inundated by this catastrophe, and millions of dollars needlessly lost; and

Whereas to permit the continuance of such great waste, with the consequent great reduction in crop production during this period of world conflict and food shortages, cannot but seriously retard America's conduct of the global war in which we are now engaged; and

Whereas a definite and effective plan, known as the Pick plan, for the control of the Missouri River has been adopted and laid before Congress for its approval, and for the allotment of funds for the work it advised; and

Whereas further delay in placing such plan into effect would be neither economically sound nor patriotically wise: Now, therefore, be it

Resolved by the City Council of the City of Omaha, That it is the sense of the City Council of the City of Omaha that the Congress of the United States should approve this plan with amendments to provide for immediate flood control without further delay, allot the necessary funds therefor, and order the immediate commencement of flood-control work thereunder, so that the needless destruction of farms and other properties can be brought to an early and definite end; be it further

Resolved, That the city clerk be, and he is hereby, ordered and directed to transmit certified copies of this resolution to all Nebraska Senators and Congressmen and to such others of adjoining States as may seem advisable.

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the city clerk's office.

M. J. DINEEN, Jr.,
City Clerk.

LIMITATIONS ON THE SALE, TRANSPORTATION, AND USE OF CORN

Mr. BUTLER. Mr. President, I also ask unanimous consent to present for printing in the RECORD and appropriate reference copy of a letter addressed by Harry B. Coffee, president of the Union Stock Yards Co., of Omaha, to Hon. Chester Bowles, Director of Price Administration, together with a resolution adopted by livestock feeders of the Omaha, Nebr., market territory.

There being no objection, the letter, together with the resolution, were referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

UNION STOCK YARDS CO.,
OF OMAHA, LTD.,
Omaha, Nebr., April 26, 1944.

HON. CHESTER BOWLES,
Director of Price Administration,
Washington, D. C.

DEAR SIR: The enclosed resolution expresses the sentiment of the livestock producers in this area on the "corn freeze" order which is disrupting and congesting the livestock markets and is causing further confusion and discouragement among the livestock producers.

Livestock feeders in the restricted area are unable to purchase corn necessary to complete their feeding operations. Others who have cattle and lambs contracted to put in their feedlots, find their contracts for corn have been canceled by the order and they are left in a serious dilemma.

What is to be done with the thousands of thin cattle and lambs that must go to the feed lots to be fattened before they are slaughtered? The principal meat-producing area in America is now confronted with an order that will drastically curtail meat production.

It would have been a simple matter to secure the necessary corn supply for the desig-

nated essential corn processors. The O. P. A. could allow the designated processors to pay a couple of cents premium per bushel in the open market for their corn. This would keep them supplied with available corn from surplus areas. The O. P. A. permitted California for more than 60 days this winter to pay a premium that drained this area of millions of bushels of corn. No one could object to this plan which would facilitate the movement of corn to the essential war industries.

The present W. F. A. Order No. 98 disrupts the entire economy in the restricted area and will seriously retard meat production. Under existing regulations the feed lots are being emptied and a beef shortage is certain within the next 60 days.

Hoping you will use your influence to correct this situation, I am,

Yours sincerely,

HARRY B. COFFEE,
President.

While livestock feeders of the Middle West are cognizant of the need for corn in the Nation's essential war industries, and they are desirous of seeing that such necessary supplies are obtained immediately, at the same time they feel that all commercial corn-producing areas should contribute their proportionate share of those supplies.

War Food Administration Order No. 98, Limitations on Sale, Transportation, and Use of Corn, requires, except as provided in the order, that all corn in the 125 designated counties be sold to the account of the Commodity Credit Corporation. The 125 designated counties represent the largest meat-producing counties in the United States.

The provisions of this order not only will curtail the continued production of meat, it will require the immediate marketing of livestock, due to the inability of feeders to secure needed supplies of corn, because the livestock feeder will be unable to compete with the Commodity Credit Corporation in the purchase of corn: Therefore be it

Resolved—

1. That War Food Administration Order No. 98, entitled "Limitations on the Sale, Transportation, and Use of Corn," be amended to provide that all commercial corn-producing counties be placed on the same basis as the 125 restricted counties and called upon to share in the contribution to the essential commercial corn processors.

2. That livestock feeders in the restricted area be accorded a priority on corn second only to the processors of essential war materials, and that the permits issued by the county A. A. committees to livestock feeders be acceptable for the purchase of corn held by elevators for the account of the Commodity Credit Corporation on the same basis as purchases are made by the corn processors.

3. That a reasonable percentage of the corn delivered to the elevators for the account of the Commodity Credit Corporation be set aside to meet the immediate essential needs of the livestock feeders in the restricted area.

4. That corn from the essential meat-producing area be drawn upon only after every effort has been made to obtain supplies nearest the location of the essential corn processors.

5. That so long as it is available wheat be used in the production of alcohol.

6. That this W. F. A. Order No. 98 be repealed just as soon as necessary supplies of corn to be used by the essential industries have been obtained.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SHIPSTEAD, from the Committee on Indian Affairs:

S. 873. A bill to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians; without amendment (Rept. No. 808); and

S. 1081. A bill to add certain lands to the Upper Mississippi River Wild Life and Fish Refuge; without amendment (Rept. No. 809).

By Mr. WHEELER, from the Committee on Indian Affairs:

H. R. 2105. A bill extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians; without amendment (Rept. No. 810).

By Mr. MCFARLAND, from the Committee on Indian Affairs:

H. R. 2143. A bill to authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Ariz.; without amendment (Rept. No. 811).

By Mr. DOWNEY, from the Committee on Civil Service:

S. 198. A bill to amend further section 2 of the Civil Service Retirement Act, approved May 29, 1930, as amended; with amendments (Rept. No. 812);

S. 1481. A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; with an amendment (Rept. No. 813);

H. R. 4292. A bill to amend section 12 (b) of the act of May 29, 1930, as amended; with amendments (Rept. No. 814); and

H. R. 4320. A bill relating to the computation of interest on contributions to the civil service retirement fund returned to employees upon their separation from the service; with amendments (Rept. No. 815).

By Mr. MEAD, from the Committee on Civil Service:

S. 1705. A bill to provide night differential for certain employees; without amendment (Rept. No. 816).

By Mr. GEORGE, from the Committee on Finance:

S. 1419. A bill to authorize collectors of internal revenue to receive cashier's checks of certain banking institutions in payment for revenue stamps; with amendments (Rept. No. 817).

By Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs:

S. 267. A bill relating to marriage and divorce among members of the Klamath and Modoc Tribes and Yahooskin Band of Snake Indians; with an amendment (Rept. No. 823);

S. 338. A bill for the relief of the Indians of the Fort Berthold Reservation in North Dakota; without amendment (Rept. No. 818);

S. 845. A bill to define the exterior boundaries of the Warm Springs Indian Reservation in Oregon, and for other purposes; with amendments (Rept. No. 826);

S. 1240. A bill to authorize payment to certain enrolled members of the Seminole Tribe of Indians under act of July 2, 1942 (Public. No. 645, 77th Cong.); with amendments (Rept. No. 824);

S. 1580. A bill to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California; without amendment (Rept. No. 819);

S. 1597. A bill to amend section 1, act of June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes; with amendments (Rept. No. 827);

S. 1710. A bill to authorize the sale and conveyance of certain property of the estate of Jackson Barnett, deceased Creek Indian; without amendment (Rept. No. 820);

S. 1847. A bill to provide for the payment of attorneys' fees from Osage tribal funds; without amendment (Rept. No. 821);

S. 1848. A bill for the relief of Claude R. Whitlock, and for other purposes; with an amendment (Rept. No. 825); and

H. R. 329. A bill to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor; without amendment (Rept. No. 822).

S. Res. 243. Resolution further continuing the authority for a general survey of the condition of Indians in the United States; without amendment (Rept. No. 828); and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

By Mr. ELLENDER, from the Committee on Claims:

S. 1501. A bill for the relief of the Rau Motor Sales Co.; without amendment (Rept. No. 831);

S. 1605. A bill for the relief of Mr. and Mrs. John Borrego and Mr. and Mrs. Joe Silva; with amendments (Rept. No. 830);

S. 1731. A bill for the relief of Helen Halverson; with an amendment (Rept. No. 829); and

H. R. 2711. A bill for the relief of Mrs. Mildred Maag; with an amendment (Rept. No. 834).

By Mr. ROBERTSON, from the Committee on Claims:

H. R. 2008. A bill for the relief of Mrs. Mae Scheidel, Mr. Fred Scheidel, Mr. Charles Totten, and Miss Jean Scheidel; without amendment (Rept. No. 833);

H. R. 2303. A bill for the relief of O. W. James; with an amendment (Rept. No. 835); and

H. R. 3114. A bill for the relief of Ruth Coe; without amendment (Rept. No. 832).

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,
The following favorable reports of nominations were submitted:

By Mr. ELLENDER, from the Committee on Education and Labor:

Philip M. Klutznick, of Nebraska, to be Administrator of the United States Housing Authority in the National Housing Agency vice Herbert Emmerich.

By Mr. GEORGE, from the Committee on Finance:

Joseph J. O'Connell, Jr., of New York, N. Y., to be general counsel for the Department of the Treasury, in place of Randolph E. Paul, resigned;

Edgar Bernard Brossard, of Utah, to be a member of the United States Tariff Commission for a term expiring June 16, 1950 (reappointment);

George J. Schoeneman, of Newport, R. I., to be Assistant Commissioner of Internal Revenue, to fill an existing vacancy;

Joseph P. Marcelle, of Brooklyn, N. Y., to be collector of internal revenue for the first district of New York, in place of Joseph D. Nunan, Jr., resigned;

Austin J. Mahoney, of Rochester, N. Y., to be collector of customs for customs collection district No. 8, with headquarters at Rochester, N. Y. (reappointment);

Martin O. Bement, of Buffalo, N. Y., to be collector of customs for customs collection district No. 9, with headquarters at Buffalo, N. Y. (reappointment);

Paul R. Leake, of Woodland, Calif., to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif. (reappointment); and

Sundry officers for promotion in the regular corps of the United States Public Health Service.

By Mr. CONNALLY, from the Committee on the Judiciary:

Brian S. Odem, of Texas, to be United States attorney for the southern district of Texas, vice Douglas W. McGregor, resigned;

William R. Smith, Jr., of Texas, to be United States attorney for the western district of Texas;

Edward M. Curran, of the District of Columbia, to be United States attorney for the District of Columbia;

Harry O. Arend, of Alaska, to be United States attorney for division No. 4 of Alaska, vice Ralph J. Rivers, resigned; and

George A. Wright, of Montana, to be United States marshal for the district of Montana, vice William W. Crawford, recess appointment expired August 5, 1939.

By Mr. MCKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MCCARRAN:

S. 1867. A bill relating to the management and administration of national-forest grazing lands; to the Committee on Public Lands and Surveys.

By Mr. HATCH:

S. 1868 (by request). A bill relative to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas; to the Committee on Public Lands and Surveys.

By Mr. GEORGE:

S. 1869. A bill for the relief of Mrs. Mamie Dutch Vaughn; to the Committee on Claims. (Mr. WHEELER introduced Senate bill 1870, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. THOMAS of Oklahoma:

S. 1871. A bill for the relief of the Cherokee Indians of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

ORDER OF INDUCTION UNDER SELECTIVE SERVICE ACT—AMENDMENT

Mr. WHEELER. Mr. President, I ask unanimous consent to introduce a bill to amend the Selective Training and Service Act of 1940, as amended, with respect to the order of induction by age groups of certain men who have children, and for other purposes.

I also ask that the bill be printed in the RECORD and appropriately referred.

The VICE PRESIDENT. Without objection, the bill will be received, appropriately referred, and printed in the RECORD.

The bill (S. 1870) to amend the Selective Training and Service Act of 1940, as amended, with respect to the order of induction by age groups of certain men who have children, and for other purposes, was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 5 (m) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows:

"(m) Notwithstanding the provisions of section 4 (b), under such rules and regulations as the President may prescribe, on the basis of the best inventory information available to him at the time of allocating calls, without affecting the usual regular and orderly flow of the Nation's manpower into the armed forces as required for service therein, and in accordance with the requisitions of the land and naval forces and with the other provisions of this act, registrants shall, on a Nation-wide basis within the

Nation and a State-wide basis within each State, be ordered to report to induction stations (1) in such a manner that registrants, regardless of their occupations or the activities in which they may be engaged, who were married prior to December 8, 1941, who have maintained a bona fide family relationship with their families since that date and who have a child or children under 18 years of age, will be inducted after the induction of other registrants not deferred, exempted, relieved from liability, or postponed from induction under this act or the rules and regulations prescribed thereunder who are available for induction and are acceptable to the land and naval forces, and (2) in the case of registrants who were married prior to December 8, 1941, who have maintained a bona fide family relationship with their families since that date, and who have a child or children under 18 years of age, in such a manner that such registrants who had attained the age of 26 years on May 1, 1944, will be inducted after the induction of such registrants who had not attained the age of 26 years on May 1, 1944, who are not deferred, exempted, relieved from liability, or postponed from induction under this act or the rules and regulations prescribed thereunder, who are available for induction, and who are acceptable to the land and naval forces. No registrant who was married prior to December 8, 1941, who has maintained a bona fide family relationship with his family since that date, who has a child or children under 18 years of age, and who had attained the age of 30 years on May 1, 1944, shall hereafter, without his consent, be inducted for training or service under this act. The term 'child' as used in this section means a legitimate child born prior to September 15, 1942, a stepchild, adopted child, foster child, or a person who is in the relationship of child to the registrant, who became such prior to December 8, 1941, who is less than 18 years of age or who by reason of mental or physical defects is incapable of self-support, who is unmarried, and with whom the registrant has maintained a bona fide family relationship in their home since December 7, 1941, or since the date of birth if such date of birth is later than December 7, 1941: *Provided*, That no individuals shall be called for induction, ordered to report to induction stations, or be inducted because of their occupations, or by occupational groups, or by groups in any plant or institutions, except pursuant to a requisition by the land or naval forces for persons in needed medical, professional, and specialist categories."

Sec. 2. In any general demobilization or release from active duty of persons in the active military and naval service the military and naval forces shall follow a general policy, insofar as practicable and compatible with military operations, of discharging or relieving from active duty persons who have children with whom they maintain a bona fide family relationship, before discharging or releasing other persons from active duty.

Mr. WHEELER. In connection with the bill I have just introduced I wish to call attention to one of a great many editorials which have appeared recently. An editorial appeared in the New York Sun on Monday, April 24, from which I read the following:

IT IS TIME TO PUT AN END TO MUDDLE OF THE DRAFT

"Where do you stand in the draft?"

"I don't know—I haven't seen a paper in the last 3 hours."

This current joke has the twin elements of humor: truth, blended with exaggeration. It is plain truth that for millions of men, for their families, for their employers, the draft today spells uncertainty. Men subject to it may know or think they know what their present status is, but they do not know

what it will be 3 weeks from now or 3 months from now. They do not know whether the regulations which take Joe Jones into service on Monday will apply to Fred Brown on Wednesday or not.

Almost any man across whose tomorrow lies a question mark will testify that he can stand anything better than uncertainty. He asks no ironclad guaranty of the future, but only reasonable assurance that he will be able to plan a little ahead.

Mr. President, I ask that the entire text of the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

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Almost any man across whose tomorrow lies a question mark will testify that he can stand anything better than uncertainty. He asks no ironclad guaranty of the future, but only reasonable assurance that he will be able to plan a little ahead.

Whether operating at its best or at its worst, selective service has undergone many changes since September 16, 1940, when the President put his signature to the original act. In the summer of 1940 two courses were open. One was to follow the European system of calling up classes for training and service; that is, putting all physically fit men of 20 or 21 or 22 into uniform. The other was to follow the American pattern of 1917-18, under which all men in broad age groups were liable to service. Time was thought to be lacking to follow the first course. Following the second course through periods when war was unlikely, then probable, then a reality, has produced a great variety of changes, some of them highly contradictory.

The original bill—not the original law—provided for registration of all males from 18 to 65, with those from 21 to 45 subject to call to the armed forces, and with quotas for the age groups from 21 to 31, 31 to 38, and 38 to 45, a sort of selective service by proportional representation. Though this militarily inept idea never was written into law, it needs to be kept in mind. Bone slivers sometimes work through the jaw long after a tooth has been pulled; the notion of the democratic distribution of military service among all age groups, though never written into law, has plagued the operation of selective service down to the present time.

The 1940 law, as enacted, provided the broad basis for selective service, then limited to those from 21 to 35. Since then there have been five principal changes by law: Repeal of the limitations on where and how long inducted men could serve; amendment of the law to provide for registration of all males from 18 to 65 and for the training and service of those from 20 to 45; the blanket deferment of farmers and farm workers who met certain conditions; setting up, through the Allotment and Allowance Act, of seven classes of registrants, to be drawn upon in order; and extension of the draft to those 18 and 19 years old.

Such a summary statement of the changes in the text of the statute is too simple, for

the law is merely the basis on which selective service has operated. It would be necessary to study the voluminous and frequently amended regulations of the Selective Service System, the decisions of appeal agents, the course of action of thousands of local draft boards to know the full story of the changes in selective service. Some changes have been compelled by action of Congress. Some have come because of changes in the course and character of the war. Others have come from the War Manpower Commission or the Selective Service System, acting on their own authority. A few have come from draft boards operating in a vacuum.

After all these changes Selective Service still has not shaken down enough to end uncertainty. Of late, in fact, the rate of changes in policy seems to have been stepped up.

Can this uncertainty be ended, if not for all men subject to the draft, then for most of them? There have been various answers to this question, but they have been unofficial. For example, it is said that if you are under 22 you have practically no chance of deferment; if you are between 22 and 26, your chances of deferment are slight; if you are between 26 and 29, you will probably not be called soon; if you are over 29, the chances are slim that you will be called this year. Such statements are informed guesses, at the best, based on the fact that the latest turn the draft policy has taken has been the fruit of the Army's demand for young men for combat duty and replacement of combat troops. This latest turn has been attributed by some to alterations in high military policy between 1940 and 1944; that is, the emphasis in 1940 was on armored forces and air power, whereas now it has swung back to infantry, with the need for young men imperative.

If this is correct, if the draft is to take younger men at the expense of occupational deferment, whether in industry or agriculture, then it ought to be possible to provide reasonable certainty about the future for a large proportion of men not subject to immediate call. Reasonable certainty is all that they ask.

The Army has shown that it can make its estimates with considerable accuracy. The Navy knows pretty closely how many men it will need over the next months. Selective Service officials know how many men are available in the various age groups and how many of them can be expected to be physically acceptable. That service also knows how many men are deferred for occupational reasons, how many because of dependents, how many on both accounts.

Is there the basis for a long-range policy in all this accumulated knowledge and experience? It would seem so. Senator TAFT has suggested that it be formulated by agreement among all the agencies concerned. There is one agency with a big concern not easy to bring into any conference or meeting of minds and that is Congress. It would be easy to adopt a long-range policy without changing the law as it stands, for the law is relatively flexible. But it would be impossible to carry out a long-range policy if the effects of the policy were to lead Congress into constant efforts to amend the law. If the service agencies and others concerned reach an agreement on policy that promises reasonable certainty for a reasonable time, that policy, except in an emergency, ought not to be disturbed by Congress or anybody else.

Part of the story of the draft is the story of how to reconcile the irreconcilable. We have had to grow and harvest more food than ever before; we have had to produce and ship more munitions than ever before in our history; we have had to build and man the biggest Navy ever; we have had to raise and train and equip an Army of unprecedented size; we have had to provide the goods and services for lend-lease operations of tremen-

dous magnitude. We have had to do all this with our original human resources. We could appropriate billions of dollars, but we could not appropriate 10,000,000 men for the armed forces, or millions of new workers for arms plants, or thousands of new farmers. We had to do with what we had.

Granted all that, it is late in the day to be making over selective service every 15 minutes. It is late in the day to pull men one way on Tuesday and another way on Thursday. The whole country is angry over this confusion. It is demanding that an end be put to the mess and muddle into which the draft has fallen—an end to the off-again, on-again, gone-again phase of selective service. Now is the time to adopt some clear policy and to stick to it for more than 2 weeks.

Mr. WHEELER. Mr. President, I wish to say that my reason for introducing the bill is the uncertainty which exists in the country with reference to the draft. It will be recalled that when I introduced another bill dealing with the same subject a little more than a year ago I suggested that my reason for introducing it was to clear up the existing uncertainty. A substitute bill for the bill which I introduced was passed, and the statement was made at that time that passage of the measure would undoubtedly clear up the existing uncertainty.

Today, Mr. President, there is more confusion and more uncertainty in this country with respect to the draft law and the manpower situation than has existed at any time. In my judgment the uncertainty is leading toward a breaking down of the morale of the country.

The statement is now generally being made that the Army does not want men over 30 years of age. My bill provides that in the case of men under 26 years of age the Army shall first take men subject to draft who are not fathers; that married men between the ages of 26 and 30 shall not be inducted until after the induction of those less than 26 years of age; and that the Army shall defer all married men over 30 years of age who have children and who are living with their families.

I have been informed from various sources that the Army will probably not take men who are over 30 years of age unless something unforeseen shall happen. It seems to me that Congress should say definitely that the Army shall not take fathers. If fathers are taken it naturally results in breaking up the home. Unless definite provision is made with respect to fathers they will be left in complete uncertainty as to their position under the conditions which exist at the present time. If at a later time it becomes necessary to take fathers, the Congress of the United States can promptly pass legislation which would change the status of fathers, and I should be one of the first to join in changing the provision with respect to fathers if it becomes essential that they be taken. In the meantime something should be done now to make definite and positive provision, so that the uncertainty may be done away with as well as the confusion which now exists, so that our people may know where they stand from day to day.

HOUSE BILL REFERRED

The bill (H. R. 4679) making appropriations for the Department of the Interior for the fiscal year ending June 30,

1945, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RECOMMITTAL OF BILL

Mr. DOWNEY. Mr. President, on behalf of the Civil Service Committee, I wish to ask unanimous consent that the bill (S. 522) providing for separation from the classified civil service of persons absent from their official duties for certain periods, which has heretofore been reported to the Senate by the distinguished senior Senator from Tennessee [Mr. McKellar], be withdrawn from the calendar and recommitted to the committee for its further consideration. I may say that I have asked the agreement of the Senator from Tennessee to this effect, and he has no objection.

Mr. WHITE. Mr. President, my attention was diverted and I did not hear what the request was. Will the Senator repeat it?

Mr. DOWNEY. A bill of rather minor importance was reported by the Civil Service Committee several days ago by the distinguished senior Senator from Tennessee [Mr. McKellar]. Because of certain aspects which were not thoroughly understood by the committee, the committee has asked me to request unanimous consent that the bill be withdrawn from the calendar and recommitted to the committee for further consideration.

Mr. WHITE. Very well.

The VICE PRESIDENT. Without objection, the bill is withdrawn from the calendar and recommitted to the Committee on Civil Service.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (S. 461) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, which was ordered to lie on the table and to be printed.

AMENDMENT OF EMERGENCY PRICE CONTROL ACT—AMENDMENT

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 78th Cong.), which was referred to the Committee on Banking and Currency and ordered to be printed.

IMPROVEMENT OF BEAVER AND MAHONING RIVERS, PENNSYLVANIA AND OHIO—AMENDMENT

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 3961) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

APPROPRIATIONS FOR THE LEGISLATIVE AND JUDICIAL BRANCHES—AMENDMENT

Mr. HOLMAN submitted an amendment intended to be proposed by him to

the bill (H. R. 4414) making appropriations for the legislative branch and for the judiciary for the fiscal year ending June 30, 1945, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 45, line 10, after the first semicolon, insert the following: "for payment of compensation in lieu of leave of absence to employees and former employees, or in the case of those who have died or become incompetent, since June 30, 1932, to their legal representatives, for leave of absence earned during the fiscal year 1932 which has not been taken and for which they have not otherwise been compensated, such payment to be at a rate equal to the rate of compensation of the employee during the time in which such leave was earned."

COMMITTEE SERVICE

On motion of Mr. WHITE, and by unanimous consent, it was

Ordered, That the Senator from Iowa [Mr. Wilson] be excused from further service on the Committee on Post Offices and Post Roads and that he be assigned to service on the Committee on Agriculture and Forestry; and

That the Senator from Oregon [Mr. Gordon] be assigned to service on the following committees: Commerce, Indian Affairs, Irrigation and Reclamation, the Library, and Post Offices and Post Roads.

AMERICA CAN DO BETTER—ADDRESS BY SENATOR BURTON

[Mr. BURTON asked and obtained leave to have printed in the Record an address entitled "America Can Do Better," delivered by him before the Ohio Federation of Republican Women at Columbus, Ohio, April 21, 1944, which appears in the Appendix.]

POLISH CONSTITUTION DAY—STATEMENT BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the Record a statement prepared by him for May 3, Poland's national holiday, the anniversary of the signing of the Polish Constitution on May 3, 1791, which appears in the Appendix.]

PRESENTATION OF GOLD MEDAL AWARD TO MME. CHIANG KAI-SHEK BY NEW YORK SOUTHERN SOCIETY

[Mr. GEORGE asked and obtained leave to have printed in the Record excerpts from the record of the fifty-eighth annual dinner of the New York Southern Society, at the Waldorf-Astoria Hotel, New York City, on December 3, 1943, and the annual meeting of the society at the University Club, New York City, on April 16, 1943, at which a gold medal was presented to Mme. Chiang Kai-shek, which appear in the Appendix.]

COMPULSORY SICKNESS INSURANCE—EDITORIAL FROM CHRISTIAN SCIENCE MONITOR

[Mr. HOLMAN asked and obtained leave to have printed in the Record an editorial entitled "Sauce for the Goose," discussing the question of compulsory sickness insurance, published in the Christian Science Monitor of April 14, 1944, which appears in the Appendix.]

AMERICA AT WAR ON THE FARM FRONT—ARTICLE BY SELDEN MENEFEE

[Mr. CHAVEZ asked and obtained leave to have printed in the Record an article entitled "America at War," by Selden Menefee, having to do with the farm situation, written and published in the Washington Post, which appears in the Appendix.]

STATEMENT BY VINCENTE LOMBARDO TOLEDANO ON AIMS OF LATIN NATIONS

[Mr. CHAVEZ asked and obtained leave to have printed in the Record an article published in the Washington Times-Herald of April 25, 1944, containing a statement by Vincente Lombardo Toledano, made to the International Labor Organization in session at Philadelphia, dealing with the aims of Latin nations, which appears in the Appendix.]

COMMONWEALTH CLUB OF CALIFORNIA BALLOT ON INTERNATIONAL RELATIONS

[Mr. HATCH asked and obtained leave to have printed in the Record the result of Commonwealth Club of California ballot on international relations, which appears in the Appendix.]

INTER-AMERICAN HIGHWAY—ARTICLE BY PICO CORTES

[Mr. WHERRY asked and obtained leave to have printed in the Record an article in regard to the Inter-American Highway, written by Pico Cortes and published in the Naples Record, Ontario County, N. Y., of April 19, 1944, which appears in the Appendix.]

HISTORICAL DOCUMENTS IN SELIGMAN MEMORIAL LIBRARY

[Mr. MEAD asked and obtained leave to have printed in the Record a statement regarding historical documents available at the Seligman Memorial Library, Columbia University, which appears in the Appendix.]

IMPORTANCE OF INFANTRY—ADDRESS BY BRIGADIER GENERAL WILBUR

[Mr. MEAD asked and obtained leave to have printed in the Record an address delivered by Brig. Gen. William H. Wilbur at the annual meeting of the American Society of Newspaper Editors held at the Statler Hotel, Washington, D. C., on April 22, 1944, which appears in the Appendix.]

SGT. CHARLES "COMMANDO" KELLY

Mr. DAVIS. Mr. President, Monday, April 24, and Tuesday, April 25, 1944, were memorable days in the history of the city of Pittsburgh and the State of Pennsylvania, for on the former date Sgt. Charles E. "Commando" Kelly, the one-man army, came home from the wars, and the latter date, designated as Commando Kelly Day, was marked by a community-wide celebration in the city of Pittsburgh.

The daring exploits of "Commando" Kelly at the Salerno beachhead in Italy are well known. For his courage and bravery in that action Sergeant Kelly was awarded the Congressional Medal of Honor—1 of 15 living men who have received that coveted medal during the present war.

The account of "Commando" Kelly's heroism—although he would not call it that—is best told in his own words. I therefore ask unanimous consent to include in the Record as a part of my remarks excerpts from an article which appeared in the Pittsburgh Post-Gazette of April 25, which recounts in the sergeant's own words the events and actions for which he was cited.

The VICE PRESIDENT. Without objection, the excerpts will be printed in the Record.

The excerpts are as follows:

Sergeant Kelly began his story with the landing of the Thirty-sixth Division on the Salerno Beach September 9.

"We had no artillery cover and the infantry pushed those boys in like nothing was in front of them. Those boys slipped out in front of tanks with automatic rifles and tried to stop them."

YANKS STOP THEM

"The Germans would come with their tanks and armored cars and our boys would lay waiting for them, then jump out and throw hand grenades. They stopped a lot of them, too. Those Germans were scared. I saw some of them jump out with their hands up and some of them actually shot themselves before they'd be captured.

"We sent out patrols and finally found where the Germans actually were. It was 22 miles away."

"So," went on the sergeant in the most matter-of-fact way imaginable, "we marched those 22 miles, and the next morning we attacked the hill where the Germans were dug in.

"Somehow I seemed to get out in front—just sticking my neck out, I guess. We rushed the machine-gun nests and cleaned them out and reached the top of the hill. That night I went out and found a bivouac area where the Germans were gathered and came back and reported. So they sent me back again and I got back that time, too, with my report."

But the third time Kelly went back to check up on the German movements he and a group of men were cut off. They opened fire on the Germans with automatic rifles and the Germans began to drop.

GOES FOR AMMUNITION

And there in Kelly's story is revealed the temperament that wins congressional medals.

"I had a lot of fun watching them," he reported and he wasn't trying to be funny either.

"We were running out of ammunition but the boys decided to stay. Then finally we did run out of ammunition entirely and we had to withdraw to our company lines until we got more ammunition.

"The Germans attacked and we dropped them as they came. The German casualties were at least 8 to 1 of ours. But our ammunition got to running low again and I volunteered to get some."

"So I got it," is the way Kelly dismissed the whole thing and then jumped his story ahead to—

"The third time I went after ammunition I didn't get back. I got stuck."

Back at the ammunition dump Kelly and the men there were ordered to carry all the ammunition to a house nearby. The Germans were advancing. Then came some more of the Kelly idea of fun. "Everything was fine, I had a pair of good field glasses and could see the Germans a long way off. We all had a lot of fun. We had plenty of everything. I burned out four machine guns. Then I picked a bazooka and fired that awhile.

"Then I went outside and came on a 37-millimeter gun. I'd never fired one of those things before but all you have to do is ask yourself 'How does it go?' Then you just start pushing things and all of a sudden you touch something and off it goes."

GOES BACK TO HOUSE

Whatever it was that Kelly touched on that 37-millimeter antitank gun it stopped the Germans for a time. Apparently not wanting to miss any of his own peculiar idea of fun Kelly went back into the beleaguered house. That's when he got into the mortar shell tossing tournament that the whole country has been reading about.

"I found a lot of 60-millimeter mortar shells laying on the floor. I figured that if I

could set one of them off it would at least scare the Germans. I started to tap it on the window sill and the pin fell out and I threw it.

"Well, those shells stopped them."

"How many mortar shells did you throw?" one of the newspapermen wanted to know.

"Oh, there must have been about 15 of them I imagine—and I kept on heaving them until I ran out."

"How far could you throw them?" was the next question.

"It was three stories up where I was and there was a 50-foot drop into a gully where the Germans were, so I guess I could get 'em across almost 50 yards."

"Any idea how much ammunition you shot away?" another newspaperman wanted to know.

"Well, I fired 3,000 rounds in an hour," returned the lad from Shawano Street. "I just kept pouring it out. I know I used up four cases of bullets in 4 or 5 hours there."

HE LEARNED THE HARD WAY

"Did you know anything about firearms before you went into the service?" was another question.

"I had very little experience," said Kelly, earnestly. "What I know I picked up in the Army—and most of it after I got into action."

"How many different types of weapons did you use in the 48 hours you were penned up in that house?" another interviewer wanted to know.

"I fired every weapon the infantry uses," said Kelly: "Browning automatics, light machine guns, water-cooled machine guns, bazookas, and that 37-millimeter gun I told you about.

"You don't have to know anything about them," he assured his listeners reassuringly. "Just keep on pushing them around and they'll shoot.

"But the ruined house was becoming too hot for the handful of doughboys left, and they decided to get out. A couple of patrols failed to get through."

Kelly volunteered to stick and cover the withdrawal of his detail.

"I stayed there fighting for a while until the fellows got away, and then I sneaked down in the cellar and out the back way and got out into the streets.

"I ran into a lot of fellows. You just didn't know who was who. I passed Germans that didn't pay any attention to me." Part of that night Kelly spent in a ditch.

"When I woke up there were Germans all around me—most of them wounded and calling for aqua. I kept on going and finally ran into another regiment that was withdrawing, and I went with them. Then I went back to my own regiment, and the first thing they sent me out on another patrol. Well, I came back from that one, too, and after that we went back to get reorganized."

Mr. DAVIS. Mr. President, that indeed is such action as we in America are proud to honor. But even more impressive to me was the sincere, humble attitude of this hero who, though he had been raised in one of the less palatial districts of the city, turned his back upon the luxury of a \$55-a-day suite in one of Pittsburgh's principal hotels with these words: "This home was good enough for my mom, Mr. Mayor, and it's good enough for me."

Thus this young man, a justly celebrated hero in the eyes of the Nation, went home with "mom"—"mom" who has given five other sons to the services of America; "mom" whose two other boys are ready and willing to join forces with their brothers in the common cause.

This hero of the hour showed himself to be a real American and a real man when he turned his back upon luxury and acclaim to return with his family to the old home on Shawano Street, where "mom" had given him and his brothers a proper start in the journey of life.

Mr. President, the real measure of any man is the love and attachment which he feels for his mother and his home. "Commando" Kelly has met that measure with full merit. There is no palace in all the world that can approach the splendor and the spirit which prevails in the Kelly home on Pittsburgh's north side today.

The fine example which this young man has set both at home and abroad has gladdened and made proud the heart of every American. "Commando" Kelly has proved himself worthy of the homage of the Nation and the love of a splendid mother.

SALES OF WAR STAMPS AND BONDS BY SENATE AND HOUSE PAGES

Mr. STEWART. Mr. President, I wish to speak briefly about the activities of the pages of the Senate, as well as those of the other House, in the sale of War bonds and stamps. It may not be known to most of us that for some time these young men have been very active in this direction. As a matter of fact, they have already sold several thousands of dollars' worth of War bonds and stamps. I refer particularly to the pages in this Chamber, whom we see before us, and who, we are told, have cooperated with the House pages, who have also sold a great many thousand dollars' worth of War bonds and stamps.

Mr. President, I wish to compliment the young men, and invite attention to the fact that in furtherance of their activities an informal dance has been planned. Perhaps most of us already have received an invitation to the dance which will be held at 8 o'clock on Monday evening next, in the new ballroom of the Shoreham Hotel. I understand that everyone is invited to attend. The purpose of the dance is to further the sale of War bonds and stamps. I am told there will be present an all-girl orchestra, and possibly music will be also supplied by the Air Corps Band. There will be booths at which War bonds and stamps will be on sale.

I think the activity is a patriotic one, and that the young men are entitled to a word of praise being said about them because of the work which they have been doing. I hope we will do all we can to back them up.

TERMINATION OF WAR CONTRACTS

Mr. VANDENBERG. Mr. President, I desire to make a statement and I shall be particularly obliged if I may have the attention of the able majority leader in connection with what I am about to say.

The Senate Military Affairs Committee this morning voted unanimously to report to the Senate next Monday Senate bill 1718, which deals with a formula for the swift and conclusive termination of war contracts and the clearance of war plants. This action was taken on a unanimous report from the Murray

subcommittee headed by the able junior Senator from Montana who has rendered yeoman service to this desperately important cause. The proposed legislation partially originates in the special committee of the Senate headed by the able Senator from Georgia [Mr. GEORGE], the Special Committee on Post-War Economic Planning, of which I am a member. It has the unanimous support of that committee; it has the united support of all the procurement departments of the Government; it has the support of Mr. Baruch, who has led in the consideration of this matter in behalf of the executive department; it now has the unanimous support of the Military Affairs Committee.

Mr. President, there is nothing so important to the economic life of the United States as that this proposed legislation shall be immediately concluded in the Senate and then acted upon in the House. Involved in it is the whole post-war economic life of the Nation. Contingent upon it is our successful transition from war economy to peace economy. War contracts in the billions of dollars are being terminated already. War contracts in the hundreds of billions of dollars will be terminated from coast to coast when the incalculably precious hour of armistice arrives. Unless we are prepared in advance for that climax, and its aftermath, we shall face economic confusion and economic chaos in America. The preparation cannot longer be delayed. Every hour of delay from now on, as Mr. Baruch put it to me himself this week, invites staggering adventures in adversity; whereas adequate and effective congressional action, before it is too late, will cut the demobilization and reconversion hazard to a minimum and will hasten the ultimate day of a great and stable peace prosperity. Fifty million post-war jobs are involved in what I am saying. Eighty percent of the annual national income is involved. We can have the greatest panic in history; or we can, with but a brief transition interlude, have the greatest peacetime prosperity in our history. The choice, in the first instance, hangs upon congressional action; and time is now the essence of this action.

We have been dealing with this problem for about 9 months, in committee hearings, and in the discussion of various legislative formulas, in various committees of both the House and the Senate. It has involved essential and indispensable exploration. American industry has patiently cooperated in these long labors. But now the time has come when we must have action, because the time has arrived when those whom we intend to hold responsible for operating private enterprise on a basis that shall restore us to economic stability and full employment in post-war days must have, without further delay, the dependable knowledge as to what the congressional formula and the congressional attitude will be. They can do nothing until we act.

The most controversial phase of the demobilization and reconversion problem in respect to war contracts is the question of the disposal of surplus property. We have deliberately eliminated that

phase of the problem from this immediate legislation, for the very good reason that there should be practically no controversy regarding the formula in respect to contract termination and plant clearance. In other words, we are putting first things first; we are asking present action at the point where it should be easiest to get. We are striving to get underway. Therefore, having eliminated the most controversial phase of the matter, and postponed its consideration until after the consideration of the present legislative proposal shall be concluded, I respectfully submit that the legislation respecting contract termination and plant clearance should have immediate right-of-way in the Senate.

I repeat that upon the effective answer by Congress to the question involved literally depend 50,000,000 post-war jobs, literally depends the success with which we meet the post-war economic impact, literally depends the economic life of this country.

It is in a wholly unpolitical way that I add to this statement that in a conference of Republican Senators this morning we unanimously agreed that we would join in the request that Senate bill 1718 shall have immediate right-of-way in the Senate, and I very respectfully present the request to the able majority leader, in the hope that in behalf of the proposed legislation, which has the united support of the George committee, the Military Affairs Committee, the procurement officers of the Government, and Mr. Baruch himself, some way may be found next week, without fail, to conclude action on the proposed legislation on the floor of the Senate.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. No member of the Committee on Military Affairs has so far mentioned this matter to me, or indicated when the committee would like to have the bill taken up. I do not know as yet when the report will actually be made.

Mr. VANDENBERG. It will be made Monday.

Mr. BARKLEY. I might say that it had been contemplated that the Senate would recess today until Tuesday. There is now pending a bill, which is the unfinished business, which should not take long, but on which I understand the Senator from Maine [Mr. WHITE], the minority leader, will request that no vote be taken today. That would take it over until next week. I do not know that there is any appropriation bill which is urgent. Therefore I can assure the Senator, so far as I am concerned, that early next week, it may be following the pending order, we may be able to take up the bill to which he refers.

Mr. McKELLAR. There will not be an appropriation bill considered on Tuesday.

Mr. VANDENBERG. I thank the Senator from Kentucky for his helpful statement. I think perhaps I should apologize for "jumping the gun" in respect to the proposed legislation. It just happens that I come from the No. 1 war

production area of the United States, and therefore I also come from the No. 1 area in which the terrific post-war reconversion problem is of paramount importance. It is only because I have had definite and specific evidence, time and time again, in the last few weeks, that there is a serious hazard to the country and its ultimate welfare in every additional hour that we delay in respect to the legislation, that I have presumed to make this advance statement.

I wish to include in the statement my compliments and respects to the subcommittee of the Committee on Military Affairs, which has cooperated magnificently this week in bringing the matter to a swift committee conclusion.

Mr. BARKLEY. If I may ask the Senator to yield further—

Mr. VANDENBERG. I yield.

Mr. BARKLEY. I myself am a member of the Special Committee on Post-War Economic Policy and Planning, along with the Senator from Michigan, and we all know that that committee has worked diligently for months on this whole problem, and the proposal to which he has called attention is a part of the program we must enact into law. It may be the most urgent and immediate problem, others being required to await a little further development and a little more information.

This problem is very important, and the Committee on Post-War Planning so considered it, and reported its recommendation, and actually framed a bill, which was introduced and referred to the Committee on Military Affairs.

I realize the importance of disposing of the matter, in order that facilities of all kinds which are to be discontinued, and contract holders who have rights growing out of the war, may know as soon as possible what their rights are. So that I think we should dispose of the proposed legislation, and I am sure we can do it early next week.

Mr. REVERCOMB rose.

Mr. VANDENBERG. I thank the majority leader, and I am about to yield to the able Senator from West Virginia [Mr. REVERCOMB], who, I should like to say in the course of yielding, is a member of the subcommittee of the Committee on Military Affairs which has just made this favorable disposition of Senate bill 1718, to which I have referred. I express my personal thanks to the Senator from West Virginia for aiding in the expedition of the action on the bill. I yield to the Senator from West Virginia.

Mr. REVERCOMB. Mr. President, I appreciate very much the remarks of the able Senator from Michigan. As a member of the subcommittee of the Committee on Military Affairs, composed of the Senator from Montana [Mr. MURRAY], the Senator from Missouri [Mr. TRUMAN] and myself, I wish to urge that the bill be brought on for consideration by the Senate as quickly as possible. I am delighted this morning to hear the majority leader consent to that being done, stating that he will aid in it being accomplished.

After listening to evidence on this subject for several months I know how much such legislation is needed in order to continue the industries of this country

in operation. It is the first definite, progressive, positive step in furnishing work to men not only during the post-war period but at this time, now, when the reconversion from war industry to peace industry is beginning to get under way. The bill was reported by the subcommittee to the Committee on Military Affairs, and by the Committee on Military Affairs this morning unanimously ordered to be reported to the Senate.

Mr. BARKLEY. Did the Committee on Military Affairs add any substantial amendments to the bill?

Mr. REVERCOMB. I am advised it did not add anything substantial.

Mr. VANDENBERG. Mr. President, I have concluded the statement I desired to make. I thank the Senator from West Virginia for what he has said. I wish to be sure that the RECORD shows my appreciation for the cooperation of the junior Senator from Montana [Mr. MURRAY], who was chairman of the subcommittee, and who has joined in this utterly essential effort to conclude this task before it is too late.

Mr. BARKLEY. I might further say that, so far as I now know, there is no reason why the bill cannot follow the pending unfinished business.

Mr. VANDENBERG. I thank the Senator.

Mr. HOLMAN. Will the Senator from Michigan yield?

Mr. VANDENBERG. I yield.

Mr. HOLMAN. Mr. President, I sat in the meeting of the Committee on Military Affairs this morning, and ordering the bill under discussion to be reported we added an admonition recommending expedition in the consideration of the subject.

Mr. VANDENBERG. I thank the Senator. Expedition is absolutely essential. I cannot overemphasize that point.

Mr. VANDENBERG subsequently said: Mr. President, in connection with the remarks I made previously today, and immediately following them, I ask unanimous consent to have printed in the RECORD a letter to me from President Alvan Macauley, of the Automotive Council for War Production.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUTOMOTIVE COUNCIL
FOR WAR PRODUCTION,
Detroit, Mich., April 22, 1944.

HON. ARTHUR H. VANDENBERG,
Senate Office Building,
Washington, D. C.

DEAR SENATOR VANDENBERG: Your conclusions on contract-termination legislation now pending before Congress will vitally affect post-war employment. The reconversion period and unemployment will be long or short and great or small depending upon the action taken by Congress. The contract-termination and reconversion obstacles facing the automotive industry emphasize the need for early legislative action in order that "ground rules" may be known well in advance of the general termination at the end of the war in either major theater.

Employment in the manufacture, distribution, and use of motor vehicles directly affects every section of the country. Before the war, one out of every seven of the Nation's workers was dependent for his employment upon the automotive industry, its suppliers, and highway transport. Even though the

reemployment of all of these workers may not depend directly upon prompt solutions of the above problems, this ratio indicates their far-reaching importance.

Sincerely yours,

ALVAN MACAULEY,
President.

THE SEIZURE BY FEDERAL GOVERNMENT OF MONTGOMERY WARD PLANT

Mr. BRIDGES. Mr. President, I should like to read the following:

In modern war the maintenance of a healthy, orderly, and stable civilian economy is essential to successful military effort. Even in the absence of section 3 of the War Labor Disputes Act, therefore, I believe that by the exercise of the aggregate of your powers as Chief Executive and Commander in Chief, you could lawfully take possession of and operate the plants and facilities of Montgomery Ward & Co., if you found it necessary to do so to prevent injury to the country's war effort.

Mr. President, what I have just read to the Senate is from the opinion of Attorney General Biddle upon which President Roosevelt undertook the seizure of Montgomery Ward & Co. in Chicago.

Mr. President, I shall not attempt to justify the claims or the counterclaims made by all sides involved in this issue, but I do say that the interpretation the President has derived from the Attorney General's opinion and assertion of the right of Government to subject every individual and every private enterprise, big or small, to Federal influence is of a nature no American heretofore could understand.

From the President's interpretation of Mr. Biddle's opinion, Mr. President, it is not too extreme to suggest that were the manner in which you and I tended our Victory gardens not in accord with the methods endorsed by the Chief Executive he could construe our activities as presenting an injury to the country's war effort and accordingly seize our very back yards and make them subject to governmental operation. The fact that troops, which in simple language means force, were employed to effect the President's order, presents a situation which is unpleasantly similar to the actions taken by the governments of our enemies.

Are there no courts existing in our country which can review the legality of the decisions handed down by governmental bureaus, particularly when such decisions affect industry not engaged in the processing or production of war materials. Under the influence of wartime emergency, have we transferred all our civil rights to the Chief Executive? If the legality of the President's action is sustained, Congress, representing the people, must, in my judgment, by law provide some definitions, some limitations to the powers which are entrusted to the President, in order that the Bill of Rights guaranteed to the American people may be enforced. In this direction Congress should not act hastily, thereby endangering the national interest. Those powers which the President actually needs for furtherance of the war effort, he should have and should retain; but those he does not need should be returned to the people; and we

should clarify the situation so that action such as taken by the President in the Montgomery Ward case cannot be repeated. If the President's authority is to be construed in the manner in which the Attorney General has construed it in the Montgomery Ward case, the President could have troops move in and seize every corner drug store and grocery store in this Nation and any kind of business or a Victory garden in a man's back yard. It is time the voice of Congress was raised in protest against this sort of action in the American Nation today. The time to call a halt is now.

Mr. BARKLEY. Mr. President, the statement of the Senator from New Hampshire that the President could move in and take every corner drug store and Victory garden is so utterly ridiculous that it falls of its own weight or lack of weight, as the case may be.

Mr. BRIDGES. Why?

Mr. BARKLEY. I am not going to enter into a debate as to the legality of the Montgomery Ward seizure, any more than I am going to enter into a debate as to the legality of the seizure of the Ken-Rad plant, at Owensboro, in my State, which is now before the Federal court in a proceeding brought by that company to test the legality of that action. I do not believe its legality can be tested in the Senate or by the Congress.

I do not know all the facts leading up to the seizure of the Montgomery Ward plant. If I were to take the testimony of an editorial in an outstanding daily newspaper a few days ago, it might be possible to draw an invidious distinction between the attitude of Montgomery Ward & Co. toward its employees as compared to the attitude of Sears, Roebuck & Co. toward its employees, in the same city of Chicago and in other places throughout the country.

I regret as much as anyone could possibly regret the necessity for taking over industrial plants, whether such necessity grows out of obstinacy on the part of management or obstinacy on the part of employees or any other element composing the set-up of any company in this country. But it is certainly fantastic to compare the taking over of a great plant such as the Montgomery Ward plant, which distributes good all over the United States and in various parts of the world, to the taking over of a Victory garden or a corner drug store. Congress has passed this law. Congress itself no doubt was as uncertain as to its scope and authority as administrative officers are or as Army officers may be or as the courts themselves may be until it has finally been determined in some way by the highest court in the land exactly what we meant by the Smith-Connally Act, by the Second War Powers Act, and by any other act under which the President exercises jurisdiction or under his constitutional power as Commander in Chief of the Army and Navy of the United States.

The point I wish to make is that we cannot determine on the floor of the Senate the legality of actions which are taken by the President in pursuance of a law which we ourselves have enacted, and I do not think we can make any

contribution to the solution of the problem by taking advantage of an individual, isolated situation growing out of an unfortunate controversy between management and employees, and trying to determine it here, either as a matter of law or as a matter of politics, as the case may be.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from Texas.

Mr. CONNALLY. The Senator has referred to the Smith-Connally Act. I wish to say to the Senator that I do not think the Attorney General predicated his opinion upon any language or clauses in the so-called Connally-Smith strike bill, because that measure, as I recall it—I hold a copy of it in my hand, but I do not now have time to read it all—relates only to plants furnishing war materials, as such. I think the Attorney General's opinion was predicated on a broader basis, on some general war powers act which the Congress has passed.

Mr. BARKLEY. Mr. President, I mentioned the Smith-Connally Act because in the newspapers there has been published an interpretation that the exercise of this power was more or less a combined exercising of authority growing out of the Smith-Connally Act, the Second War Powers Act, and perhaps one or two other acts which Congress has passed, authorizing the President to take over plants under certain conditions.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. TAFT. The Senator from Texas is entirely mistaken. Three-quarters of the Attorney General's opinion is based on the Smith-Connally Act. The Smith-Connally Act reads in part as follows:

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as herein-after provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith.

The Attorney General has held that because Montgomery Ward manufactures three or four articles, among the thousands of articles it sells, therefore it is engaged in the manufacture of articles referred to in the Smith-Connally Act, and that its whole distributing facilities may be taken over. I do not raise the question whether that conclusion is legal or illegal; but that, in part, is the basis for the Attorney General's opinion. I should like to deal further, in my own time, with the other question which was raised by the Senator from New Hampshire.

Mr. BARKLEY. Mr. President, I have said all I have to say on this matter; I am sorry I was provoked to say this much.

Mr. TAFT obtained the floor.

Mr. EASTLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. TAFT. I yield.

Mr. EASTLAND. Were the manufacturing facilities operated by Montgomery Ward & Co. used in producing commodities for the war effort?

Mr. TAFT. No; I do not understand that they were. I have not read the entire opinion, and I do not desire at this time to argue the legality of the question whether the President could take over the Montgomery Ward plant under the provisions of the Smith-Connally Act. I merely wished to make clear, in reply to the statement of the Senator from Texas, that the Smith-Connally Act is the main ground for the opinion of the Attorney General. Regardless of the law, I certainly do not think it was the intention of the Congress to permit the taking over of a great distributing, merchandising enterprise under that law. Whether it is legal or illegal, I do not at the moment purport to say.

Mr. EASTLAND. I thoroughly agree with the Senator from Ohio, and I state further, Mr. President, that under the Smith-Connally Act, I cannot see one scintilla of authority to take over any distributing system or any mercantile business in this country. I know it was not the intent of Congress to pass such a measure. If the President has the power to take over Montgomery Ward, then he has the power to take over a grocery store or a butcher shop in any hamlet in the United States.

Mr. TAFT. It seems so to me.

Mr. President, the Attorney General, having based his opinion primarily on the Smith-Connally Act, then goes on, in addition to the matter quoted by the Senator from New Hampshire [Mr. BRIDGES] to say:

It is not necessary, however, to rely solely upon the provisions of section 3 of the War Labor Disputes Act. As Chief Executive and as Commander in Chief of the Army and Navy, the President possesses an aggregate of powers that are derived from the Constitution—

In other words, we cannot take them away from him—

and from various statutes enacted by the Congress for the purpose of carrying on the war.

The Constitution lays upon the President the duty "to take care that the laws be faithfully executed." The Constitution also places upon the President the responsibility and invests in him the powers of Commander in Chief of the Army and Navy. In time of war when the existence of the Nation is at stake, this aggregate of powers includes authority to take reasonable steps to prevent Nation-wide labor disturbances that threaten to interfere seriously with the conduct of the war. The fact that the initial impact of these disturbances is on the production or distribution of essential civilian goods is not a reason for denying the Chief Executive and the Commander in Chief of the Army and Navy the power to take steps to protect the Nation's war effort.

These are the words read by the Senator from New Hampshire:

In modern war the maintenance of a healthy, orderly, and stable civilian economy

is essential to successful military effort. The Congress has recognized this fact by enacting such statutes as the Emergency Price Control Act of 1943; the act of October 2, 1942, entitled "An act to amend the Emergency Price Control Act of 1942 and to aid in preventing inflation, and for other purposes"; the small business mobilization law of June 11, 1942; and the War Labor Disputes Act. Even in the absence of section 3 of the War Labor Disputes Act, therefore, I believe that by the exercise of the aggregate of your powers as Chief Executive and Commander in Chief, you could lawfully take possession of and operate the plants and facilities of Montgomery Ward & Co., if you found it necessary to do so to prevent injury to the country's war effort.

If that is good law, Mr. President, there is nothing the President cannot do. He can find anything relating to the civilian economy to be in the interest of the war effort. That means anything relating to you and to me. He can take over not only a distributing facility such as Montgomery Ward & Co., but, as has been said, he can take over every grocery store in the United States. He can take over every man in the United States without any Selective Service Act or any other provision by Congress for the drafting of men.

There is no such law. There is no such principle in the Constitution of the United States. The President is Commander in Chief of the Army and Navy, but that fact does not give him one additional power over any civilian, except in territories where the Army and Navy are actually operating in the course of their normal functions as Army and Navy.

So, Mr. President, I think the protest made by the Senator from New Hampshire is amply justified. If we admit the validity of any such principle, Congress might just as well go home and let the President run the United States and every feature of it.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. VANDENBERG. In line with the Senator's observations, I wish to read two sentences from a very able and restrained analysis of this whole situation in the editorial columns of the New York Times of this morning. Speaking of the Attorney General's argument regarding the President's general over-all war powers, the editorial states:

This is tantamount to declaring that the President in wartime can do practically anything if in his own judgment it is necessary "to prevent injury to the country's war effort." No one who is concerned about civil liberties and constitutional process will easily accept so sweeping a claim as this of wartime powers for the President.

Mr. President, I wish to make that last sentence my own. Entirely regardless of any other consideration, and without respect to the merits or demerits of the intrinsic labor dispute involved at this point, I do not see how anyone who is concerned about civil liberties and constitutional process can easily accept so sweeping a claim of wartime powers for the President of the United States as this, and so sweeping a demonstration of the use of the armed power of the Government.

Mr. TAFT. Mr. President, I fully agree. Before I take my seat, I desire to make it clear that I do not wish to express an opinion on the legality of seizing this plant under the Smith-Connally Act, and I do not care what the courts may finally decide on that question. After all, this is a question of policy. Was it a wise policy for the President, under the circumstances? In wartime we must grant vast powers to the President of the United States; but it is not intended because we grant such powers that they shall be exercised unless it is absolutely required by the circumstances which were in mind when the statute was enacted. I certainly question the policy of taking this plant, no matter what the law may finally be determined to be, or what the courts may decide. No matter what emergency might arise, it seems to me that the President could have permitted the legality of this procedure to be submitted to a court before using soldiers to take over an entire civilian enterprise and throw the president of the enterprise out on the sidewalk in front of the building.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BARKLEY. Of course, we can debate endlessly about what any President in wartime may do without specific authority of Congress, and it is a very interesting study to go back over the years and make comparisons of what Presidents have done during wartime. The Constitution provides that the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it. It has been the opinion of lawyers generally that that means that Congress itself could suspend it by an act. But during the Civil War President Lincoln suspended the writ of habeas corpus without an act of Congress. He also, in a measure, suspended freedom of speech, and freedom of the press, and it was necessary for the Congress, in the autumn of 1861, to enact retroactive legislation legalizing all the orders and proclamations which President Lincoln had issued since the preceding 4th of March.

Mr. TAFT. The writ of habeas corpus was suspended in the State of Maryland, where there was practically a state of insurrection. It was practically in the war area. That action was held to be illegal by the Chief Justice of the United States in a very courageous opinion. The general opinion since that time is that it was undoubtedly an illegal act for the President to suspend the writ of habeas corpus, and that only Congress could do so.

Mr. BARKLEY. That is true.

Mr. TAFT. Congress subsequently legalized the action.

Mr. BARKLEY. It legalized retroactively the orders which had been issued. President Lincoln acted under his powers as President and Commander in Chief of the Army and Navy in that war, which was, of course, a very unfortunate domestic controversy between two sections of the country. He felt that he had the authority to do so. No one who knows

the history of Abraham Lincoln and admires him as I have always admired him would for a moment suggest that Lincoln did anything that he did not think he had the power to do. Later it developed that he did not have such power. The courts held that he did not have it, and later Congress legalized what he had done illegally.

So there is nothing new about Presidents, in time of war, exercising authority, even without an act of Congress, which courts may subsequently declare to be illegal.

As to the question of policy involved, that is a matter about which men may have an honest difference of opinion. To form an intelligent opinion about it is necessary for us to know, for example, what it is that Montgomery Ward & Co. manufactures. I do not know. It is necessary to know the relationship of what it does, not only in manufacture, but also in distribution in a Nation-wide fashion of the things which it either makes or buys from others, to other concerns in the country which are engaged in the manufacture and distribution of materials. It is also necessary to know the comparative labor relations existing in that company and in other companies which are involved.

Mr. TAFT. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as a part of my remarks the Executive order and the opinion of the Attorney General, in order to throw light on the whole procedure. The Attorney General discusses the things which are manufactured, and claims that some of them are of direct interest in the war effort. It seems to me that the object sought could have been obtained by seizing the manufacturing plant, without seizing the distribution facilities, which represent 90 percent of the entire business, and are not covered by the Smith-Connally Act.

There being no objection, the order and opinion were ordered to be printed in the RECORD, as follows:

EXECUTIVE ORDER

Whereas after investigation I find and proclaim that there are existing and threatened interruptions of the operations of the plants and facilities of Montgomery Ward & Co., located in Chicago, Ill., as a result of labor disturbances arising from the failure of Montgomery Ward & Co. to comply with directive orders of the National War Labor Board; that the war effort will be unduly impeded or delayed by these interruptions; and that the exercise, as hereinafter specified, of the powers vested in me is necessary to insure, in the interest of the war effort, the operation of these plants and facilities and of other plants and facilities which are threatened to be affected by the said labor disturbances:

Now, therefore, by virtue of the power and authority vested in me by the Constitution and laws of the United States, as President of the United States and Commander in Chief of the Army and Navy of the United States, it is hereby directed as follows:

1. The Secretary of Commerce is hereby authorized and directed, through and with the aid of any persons or instrumentalities that he may designate, to take possession of the plants and facilities of Montgomery Ward & Co., located in Chicago, Ill., including the mail-order house, the retail store, and the Schwinn warehouse, together with any real

or personal property and other assets used in connection with the operation thereof, and to operate or to arrange for the operation of the plants and facilities in any manner that he deems necessary for the successful prosecution of the war, and to do all things necessary or incidental thereto. The Secretary of Commerce is further authorized to exercise any contractual or other rights of the company and to take any other steps that he deems necessary to carry out the provisions and purposes of this order.

2. The Secretary of Commerce shall operate the plants and facilities of the company under the terms and conditions of the directive orders of the National War Labor Board dated January 15, 1944, and April 5, 1944.

3. The Secretary of Commerce is authorized to take any action that he may deem necessary or desirable to provide protection for the plants and facilities and for all persons employed or seeking employment therein.

4. Upon the request of the Secretary of Commerce, the Secretary of War shall take any action that may be necessary to enable the Secretary of Commerce to carry out the provisions and purposes of this order.

5. Possession, control, or operation of any plant or facility, or part thereof, taken under this order shall be terminated by the Secretary of Commerce within 60 days after he determines that the productive efficiency of the plant, facility, or parts thereof prevailing prior to the existing and threatened interruptions of production, referred to in the recitals of this order, has been restored.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, April 25, 1944.

BIDDLE'S OPINION

APRIL 22, 1944.

The President,

The White House.

MY DEAR MR. PRESIDENT: My opinion has been requested on the legality of a proposed Executive order directing the Secretary of Commerce to take possession of and to operate certain plants and facilities of Montgomery Ward & Co. in Chicago, Ill., in which a strike is now in progress. From information received from other agencies and departments of the Government I understand that the relevant facts are as follows:

Montgomery Ward is an Illinois corporation with its principal place of business in Chicago, Ill. It is engaged in selling commodities by mail order and at retail, and in manufacturing certain of the commodities that it sells. In the fiscal year 1943 the company's gross sales amounted to \$634,276,000. It is one of the two largest mail-order houses in the United States.

The more important items of merchandise that the company handles include automobile supplies, building materials, farm machinery, equipment and supplies, including repair parts; heating apparatus, plumbing supplies, electrical supplies, clothing and shoes, drugs, furniture, hardware, home furnishings, dry goods, and tiles.

The company's plants and facilities in Chicago, Ill., include a warehouse, a mail-order division, and a retail store. It also operates mail-order establishments in 8 other States and retail stores in each of the other 47 States. The total number of the retail stores is in excess of 600. The company employs approximately 70,000 persons. No exact information as to the number of its customers is available, but it is conservatively estimated that they number in the millions.

The company owns four factories which manufacture paints, varnish, fencing, and part of the farm equipment and supplies sold by the company. The paint factory is located at Chicago Heights, Ill. Other commodities distributed by the company are bought by it directly from manufacturers.

SAYS FACTORY IS IN WAR WORK

At the present time Hummer Manufacturing Co., a division of Montgomery Ward & Co., located at Springfield, Ill., is engaged in making carburetors, propellers and gun mounts for military aircraft. Hummer Manufacturing Co., also makes farm supplies and machinery, including repair parts. Other divisions of Montgomery Ward & Co., are engaged in making or distributing other goods that are essential to the maintenance of the war economy.

The company is an important distributor of general farm supplies and of farm machinery, such as corn and cotton planters, deep and shallow well systems, soil pulverizers, hay loaders, and poultry and farm equipment. Approximately 75 percent of the mail-order customers of the company are farmers, engaged in the production of essential agricultural commodities, who live in areas where they must depend upon mail-order houses for many necessary articles.

Government agencies have recognized the importance of the company to our war economy. The War Production Board has granted the company priority ratings for the materials it uses in the manufacture of commodities such as farm pumps, cream separators, paint, work clothing, wire and chain, that the Board regards as essential to the war effort. The War Production Board has also assigned preference ratings to Montgomery Ward to enable it to buy from manufacturers other goods, for example, farm equipment, tools and supplies of various kinds, that are required for essential civilian uses.

Since April 1942, the Chicago branch of the company has filed with the War Production Board approximately 36,000 applications for preference ratings of this kind. Because of the scarcity of paper and paper products, it is impossible to obtain shipping containers without a preference rating from the War Production Board. Montgomery Ward has been given preference ratings to enable it to buy containers for packaging merchandise to fill mail orders.

Furthermore, the War Production Board has given Montgomery Ward & Co. a preference rating for maintenance, repair, and operating supplies which enables the company to get supplies that would otherwise be unobtainable. Because of the company's importance to the war economy, the Office of Defense Transportation has granted certificates of war necessity for approximately 45 trucks that are either owned or operated by the company in various areas of the country.

REVIEWS LABOR DISPUTES

For a number of years the company has been engaged in disputes with its employees. Since, labor controversies in the company's plants in St. Paul, Minn.; Kansas City, Mo.; and Portland, Oreg., have led to four proceedings before the National Labor Relations Board. In each of the cases the National Labor Relations Board found that the company had engaged in unfair labor practices and entered orders directing the company to cease its illegal activities.

In three of the cases the orders of the National Labor Relations Board were affirmed in whole or in part by circuit courts of appeals. In the other case, the first order made by the National Labor Relations Board having been set aside by a circuit court of appeals, the Board, after rehearing, entered a second order which directed the company to reinstate certain discharged employees and to cease unfair labor practices. The company did not appeal from this order.

Since 1940 the company has been engaged in a dispute with its employees in Chicago. The issues have been: (1) The right of the United States Mail Order, Warehouse, and Retail Employees Union of the United Retail, Wholesale, and Department Store Employees of America to represent the employees for

purposes of collective bargaining, and (2) the terms and conditions of the agreements between the company and the union, particularly those relating to union security, arbitration of employee grievances and seniority.

The issues as to the representation of different units of the company's employees were determined by two certifications by the National Labor Relations Board, one made on August 26, 1940, the other on February 28, 1942, and by voluntary recognition of the unions made by the company on April 27, 1942, and May 18, 1942. In the proceedings before the National Labor Relations Board which resulted in the certification dated February 28, 1942, the Board found that the company had been guilty of unfair labor practices in its plant in Chicago.

On June 2, 1942, the Secretary of Labor, pursuant to Executive Order 9017, dated January 12, 1942, certified to the War Labor Board a dispute between the certified union and the company over those terms and conditions of the collective bargaining agreement that related to union security, arbitration of employee grievances, and seniority.

The company then took the position that it would never agree to include in the contract any provisions for arbitration of employee grievances, seniority, or union security. The company also objected to the jurisdiction of the Board. After a hearing, the public, industry, and labor members of the Board, on June 29, 1942, unanimously decided that the dispute, if not peacefully settled, might interfere with the effective prosecution of the war, and that the dispute therefore fell within the Board's jurisdiction.

A panel composed of representatives of industry, labor, and the public heard the case for the Board and issued a unanimous report in two parts. The first part, dated August 31, 1942, dealt with the question of wages. On September 5, 1942, the Board unanimously adopted this part of the panel report and incorporated its recommendations in a directive order of the Board. The company voluntarily accepted this order.

The second part of the panel report, dated October 18, 1942, dealt with the questions of union security, arbitration of employee grievances, and seniority. On November 5, 1942, the Board, following the recommendations contained in part 2 of the report, unanimously directed the company to include provisions for union security, arbitration, and seniority in its agreement with the union. In a letter to the Board, dated November 13, 1942, the company rejected this order but stated that if the President of the United States as Commander in Chief directed the company to respect the order it would respectfully obey. On November 18, 1942, you wrote a letter to the president of the company directing the company to comply with the Board's order of November 5, 1942. Thereafter the company stated that it would comply with this direction and on December 8, 1942, the agreement became effective. Under the Board's order, the agreement was to remain in force for 1 year.

Prior to the expiration of the contract on December 8, 1943, the company notified the union that upon the termination of the contract it would not recognize the union or negotiate a renewal of the agreement. The company took this position on the ground that despite the prior certification by the National Labor Relations Board, the union no longer represented a majority of the employees in the warehouse and retail store, the two major bargaining units designated by the National Labor Relations Board. On December 6, 1943, the ensuing labor dispute was certified to the National War Labor Board by the Secretary of Labor and the United States Conciliation Service pursuant to the War Labor Disputes Act, which had become law on June 25, 1943.

RULING BY WAR LABOR BOARD

A public hearing was held before the National War Labor Board on December 16,

1943. On January 13, 1944, the Board directed that the terms and conditions of the contract should be extended without change for a period of 30 days, provided that the union should within that time commence a proceeding before the National Labor Relations Board for a determination of the representation question.

The Board further directed that if the union did begin such a proceeding the terms and conditions of the contract should continue to govern the relations between the parties until the issues as to the right of representation had been determined or until further order of the National War Labor Board. Thereafter the union complied with the Board's order by commencing a proceeding before the National Labor Relations Board, but the company refused to extend the contract or to comply with its provisions.

After a hearing on March 29, 1944, the National War Labor Board directed the company to restore the status quo by complying with the order of January 13, 1944, and to maintain the status quo thereafter until the issue as to representation had been finally determined. The company has refused to accept this order.

Repeated efforts by the War Labor Board to persuade the company to maintain the status quo in Chicago so that the issue of representation could be decided in a peaceful and orderly way failed, and on April 12, 1944, the union called a strike in the Chicago plant. Approximately 5,500 persons are employed in the plant, and it is estimated that the greater part of these employees are now on strike. The National War Labor Board states that there is substantial and immediate danger that this labor disturbance will spread to other plants and facilities of Montgomery Ward & Co., including those of Hummer Manufacturing Co., which is now engaged in making parts for military aircraft.

The Board also reports that there is a real and present danger that the disturbance will spread to the plants and facilities of other companies, both in the Chicago area and elsewhere, that are engaged in producing essential civilian and military goods. Local unions in Chicago in many of the important war plants have voted to support the Montgomery Ward employees who are on strike.

OTHER UNIONS BACK STRIKERS

The National Brotherhood of Teamsters, Chauffeurs and Helpers, of the American Federation of Labor, in Chicago, are refusing to make deliveries to, or to take shipments from, Montgomery Ward & Co. Various affiliates of the railway brotherhoods have refused to handle deliveries to, or shipments from, Montgomery Ward & Co.

The National War Labor Board has issued four other orders involving labor disputes arising in the plants and facilities of Montgomery Ward in Oakland, Calif.; Portland, Oreg.; Denver, Colo.; Detroit, Mich.; and Jamaica, N. Y., and in the plant and facilities of Hummer Manufacturing Co. at Springfield, Ill. The company has refused to accept or to comply with any of these orders.

The War Labor Board states that the company's repeated refusals to accept the orders of the Board and the recurring disputes between the company and its employees threaten to impair or to break down the machinery for the peaceful and orderly adjustment of wartime labor disputes established by the Congress in the War Labor Disputes Act.

By a unanimous vote of its members, the National War Labor Board has referred this matter to you for appropriate action. In the letter of reference, dated April 13, 1944, Mr. Davis, the chairman of the Board, stated that the repercussions of the situation in Chicago "may have a serious effect on the war effort."

ATTORNEY GENERAL'S CONCLUSIONS

In my opinion the facts that have been summarized justify the following conclusions:

1. Montgomery Ward & Co. is engaged in activities of a kind that are essential to the maintenance of our war economy. An interruption or stoppage of the company's activities would have a serious adverse effect upon the war effort.

2. There is a real and present danger that the labor dispute that is now interrupting the operations of the plants and facilities of the company in Chicago may extend throughout the Nation and interrupt the operations of other plants and facilities of the company. There is an equally real and present danger that the disputes will breed other labor controversies that will interrupt the operations of plants and facilities of other companies, both in the Chicago area and elsewhere, that are engaged in making or distributing goods or performing services that are essential to the war effort.

3. There is now no reason to expect that the disputes between the company and its employees in Chicago and elsewhere in the United States will be settled promptly and peacefully either by agreement or by the machinery that Congress has set up in the War Labor Disputes Act.

The basic legal question is whether you have the authority to take possession of and to operate the plants and facilities of Montgomery Ward & Co. in Chicago in order to prevent a serious interference with the war effort. Section 3 of the War Labor Disputes Act (Public Law 89, 78th Cong.) provides in part as follows:

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which possession is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith.

SAYS PRESIDENT HAS THE POWER

Such power and authority may be exercised by the President through such department or agency of the Government as he may designate, and may be exercised with respect to any such plant, mine, or facility whenever the President finds, after investigation, and proclaims that there is an interruption of the operation of such plant, mine, or facility as a result of a strike or other labor disturbance, that the war effort will be unduly impeded or delayed by such interruption, and that the exercise of such power and authority is necessary to insure the operation of such plant, mine, or facility in the interest of the war effort.

On the basis of the facts that have been summarized, and the conclusions that those facts justify, it is my opinion, first, that the plants and facilities of Montgomery Ward are the kind of plants and facilities whose seizure is authorized by section 3 and, second, that you may properly make the findings required by section 3 as a condition precedent to the exercise of the power that it confers. I believe, therefore, that section 3 of the War Labor Disputes Act authorizes you to take possession of and to operate the plants and facilities of Montgomery Ward & Co.

It is not necessary, however, to rely solely upon the provisions of section 3 of the War Labor Disputes Act. As Chief Executive and as Commander in Chief of the Army and Navy, the President possesses an aggregate of powers that are derived from the Constitution and from various statutes enacted by the

Congress for the purpose of carrying on the war.

The Constitution lays upon the President the duty "to take care that the laws be faithfully executed." The Constitution also places upon the President the responsibility and invests in him the powers of Commander in Chief of the Army and Navy. In time of war when the existence of the Nation is at stake, this aggregate of powers includes authority to take reasonable steps to prevent Nation-wide labor disturbances that threaten to interfere seriously with the conduct of the war. The fact that the initial impact of these disturbances is on the production or distribution of essential civilian goods is not a reason for denying the Chief Executive and the Commander in Chief of the Army and Navy the power to take steps to protect the Nation's war effort.

OTHER LAWS ARE MENTIONED

In modern war the maintenance of a healthy, orderly, and stable civilian economy is essential to successful military effort. The Congress has recognized this fact by enacting such statutes as the Emergency Price Control Act of 1943; the act of October 2, 1942, entitled "An act to amend the Emergency Price Control Act of 1942 and to aid in preventing inflation, and for other purposes"; the small business mobilization law of June 11, 1942; and the War Labor Disputes Act. Even in the absence of section 3 of the War Labor Disputes Act, therefore, I believe that by the exercise of the aggregate of your powers as Chief Executive and Commander in Chief, you could lawfully take possession of and operate the plants and facilities of Montgomery Ward & Co., if you found it necessary to do so to prevent injury to the country's war effort.

I conclude that in the circumstances of this case section 3 of the War Labor Disputes Act and your constitutional and statutory powers as Chief Executive and Commander in Chief of the Army and of the Navy, considered either separately or together, authorize you to direct the Secretary of Commerce to take possession of and to operate the plants and facilities of Montgomery Ward & Co., in Chicago, Ill.

The proposed Executive order, presented by the Chairman of the National Labor Board and forwarded for my consideration by the Director of the Bureau of the Budget, has my approval as to form and legality.

Respectfully yours,

FRANCIS BIDDLE,
Attorney General.

Mr. ROBERTSON. Mr. President, in connection with the discussion which has taken place concerning the seizure of Montgomery Ward & Co., I ask unanimous consent to have printed in the body of the RECORD following the remarks of the distinguished Senator from Ohio [Mr. TAFT] an article by Mark Sullivan entitled "Montgomery Ward," appearing in today's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONTGOMERY WARD

(By Mark Sullivan)

MEANING OF SEIZURE

For understanding the Montgomery Ward case, turn completely away from that case for a moment—we shall come back to it later. Turn to a wholly different case involving the same principle.

In July last year there was a controversy between coal mine owners and Mr. John L. Lewis as head of the United Mine Workers. The controversy went before the War Labor Board. The Board dictated provisions of a contract. Then the Board ordered the mine owners and Mr. Lewis to sign the contract.

The mine owners signed, wrote their names on the contract. They, like other employers ordered by the Labor Board to sign contracts, feared to refuse. They feared what the administration might do to them and they feared to be in the position of delaying production of coal in wartime. (This is the common attitude and practice of employers ordered by the Labor Board to sign and carry out one of its contracts—until the present case of Montgomery Ward.)

But Mr. Lewis refused to sign. Nor did he refuse silently—he publicly and flagrantly defied the Board, excoriated its contract—one of his words was "infamous."

Thereupon the Labor Board passed the case up to President Roosevelt (just as in the present Montgomery Ward case). The Board asked the President to compel Mr. Lewis to sign, to "comply fully" with the Board's order. A few days later, at a press conference, Mr. Roosevelt was asked whether he would compel Mr. Lewis to sign. The President replied that he would not, because he could not. In a spirit touched with petulance he asked the newsmen what was he supposed to do—write Mr. Lewis a nice note on pink paper?

So, Mr. Lewis was not compelled to sign. Further, nothing was done to him for refusing. Mr. Lewis just refused to sign, and that was that. The country learned that when one party to a labor controversy, the labor union, refuses to sign a contract ordered by the Labor Board, nothing happens.

Now for the Montgomery Ward case. The immediate issue here is not whether the company shall sign a contract stipulated by the Labor Board—but whether it shall continue such a contract after it has expired. As such, the Ward case involves the same principle as the Lewis case. Actually the two cases are identical not only in principle but in circumstances. Review very briefly the history of the Ward case:

In November 1942 the Ward Co. was involved in a controversy with a union (C. I. O.). The Labor Board, following its usual practice, ordered the company to sign a contract with the union containing provisions stipulated by the Labor Board. The Ward Co. refused. Thereupon the Labor Board, again following its usual practice, passed the case up to President Roosevelt, asking him to make the company comply.

President Roosevelt, in this case, said nothing about writing a nice note on pink paper. Instead, he wrote the most formidable document a President can sign. In part it read: "As Commander in Chief in time of war * * * I direct Montgomery Ward & Co. to comply without further delay."

Under this compulsion from the President, the Ward company signed. The contract took effect, for the specified period, 1 year. On expiration of the contract last December, Ward did not continue it. The company could have done this on the simple ground that there was no longer any contract. But the company added a special reason—that the union no longer had a majority of the company's employees.

The union appealed to the Labor Board. The Labor Board ordered the Ward Co. to continue the contract (and at the same time directed that an election be held to determine whether the union still had a majority of the employees).

The Ward Co. declined to obey the Labor Board's order, declined to continue the contract. Out of this refusal, after various developments, came the present seizure of the Ward Co.

The seizure has many meanings, which go to the depths of government and law, of the rights of citizens of the country's social and economic structure. Of them all, only one can be made clear in the space here available. This is: The administration has one practice for one group of citizens, labor unions and their leaders; a different prac-

tice for another group of citizens, the employers.

In weighing the significance of this seizure, it would be a tragic mistake to be misled by the fact that it happens in the field of labor relations, or that the victim of the seizure is a corporation. What is emerging, if it goes on, is assertion of the right of Government to put compulsions, of a kind and degree hitherto supposed to be impossible in America, upon any citizen, in any area of life.

Mr. WILEY. Mr. President, the issue in this matter is now squarely in the courts. As has already been stated, the contention of the Government is that there is statutory authority for the step which has been taken. As has been stated by the distinguished Senator from Ohio [Mr. TAFT], the Attorney General has cited the Smith-Connally law as such authority. Secondly, that irrespective of the statute, the President has wartime power to do what he has done in the Montgomery Ward matter.

I agree with the statements made on the floor of the Senate that there is nothing in the Smith-Connally law, or at least that it was not the intention of the Senators who voted for it, that it should contain anything which would authorize the Executive to exercise the power which he has exercised in the present instance.

I have stated that the matter is now in the courts. In view of that fact, I hesitate giving my opinion on the subject. I feel that the question is in a place where it can be decided without partisanship, and in an atmosphere where reason and justice prevail.

Mr. President, there is only one reason which causes me to take the floor today. The people of the country are very much concerned. Naturally, not having a legal background, in reading the various editorials in the press and comments over the radio, they are concerned about the meaning of this step which has been taken.

I have been asked, as several other Senators have already stated they have been asked, What does this mean? As children, the people read in their history books that when certain conditions exist martial law may be declared, and then the powers of the courts and of the legislature are temporarily superseded. They have also read in the newspapers only recently of a courageous judge in Hawaii who said that the civil rights and liberties of the people exist in wartime as well as in peacetime.

Many Senators have received telegrams about the situation. They have been asked, in effect, Where do you stand? My purpose is to say to them, "The courts have jurisdiction. Let us have faith in the courts."

I agree with the distinguished Senator from Ohio that it would have been better procedure for the President to place the matter in the courts without resorting to this drastic exemplification of authority. People do not like such action. It does not make for good morale. Small and big business are much concerned.

The editorial which has been placed in the RECORD by my distinguished colleague from Wyoming [Mr. ROBERTSON]

written by Mark Sullivan, in which Mr. Sullivan interprets the meaning of the seizure of Montgomery Ward, I shall not ask to have included in my remarks because it is already in the RECORD. However, it is very illustrative of the reason why the people are upset, why they cannot comprehend that when there exists a situation involving one segment of our society the President will act in one way, and when it involves another segment of our society he will act in exactly the opposite way. This is serious.

The American people remember Pearl Harbor. They remember the lesson which they learned. The Nation was asleep and not alert. The people also remember that it was only a few years ago that great nations like Germany and other countries were asleep to the moving tidal wave of fascism. And, Mr. President, fascism does not come overnight. It is a political disease in which men get the complex that they, and only they, have power.

In our system of government, since the days when the founding fathers framed the Constitution, thank God, we have had a system of checks and balances. In 1938, the year in which I was elected to the Senate, there were only 15 Republican Members of this body. In that year 8 more came to the Senate. However, we lived through a period of so-called yes men of executive control, a period when the Executive was dominant. Then a political revolution took place, the people awoke. Now, there are 37 Republicans in the Senate. This meant that the people of this country wanted the whole idea, the fundamental concept of checks and balances, to remain in operation in order that liberty might be preserved.

My own personal opinion is that even if it should be held—and this is a time of war, and sometimes courts go pretty far—that the President had the authority to act as he has, on either of the grounds urged, it was a mistake of the Executive to seize the property of Montgomery Ward under the guise that the seizure was necessary to prevent injury to the war effort. I am satisfied that the first contention that the statute gives the authority is an absolute misinterpretation of the legislative intent. I ask, Mr. President, is it not strange that the very group which opposed the Smith-Connally bill now contends for a lopsided interpretation of this kind?

I repeat, it is well that the legal questions will be determined in the courts, and I hope the determination will be made in an atmosphere which will be free from partisanship and prejudice and also free from war hysteria. I believe that the courts will hold that under present conditions in this country, when we have even ceased to have blackouts, when we no longer need to fear bombing, the courts will hold there is no power in the President to seize private plants distributing civilian goods merely because he has an opinion that if he did not seize them it would injure the war effort. No; there must be something more. However, I repeat, that is a question for the courts to decide.

I desire to read a paragraph or two from an editorial which appeared in this morning's Washington Post, which is along somewhat different lines from the article by Mark Sullivan. The writer of the editorial says:

The Attorney General's assumption that the President might exercise the power of seizure without any legislative authorization will give rise to even more violent dissent. For if the President can seize private plants distributing civilian goods whenever, in his judgment, the seizure becomes necessary to prevent injury to the war effort, he might conceivably take over the whole of private industry without so much as asking for congressional approval. One wonders why, if this is the President's notion of his general wartime authority, he bothers to ask Congress for any specific authority.

The extension of the powers of the President that would be made possible by acceptance of the sweeping Biddle opinion may well alarm Americans who do not believe that any emergency confers dictatorial powers on the President.

If this matter were not in the courts I would make an extended legal argument on that proposition, but all through my years I have felt that when a matter is in court it is time for the average citizen to keep his mouth shut so that the court may dispassionately approach the problem. There is, however, a little different situation now. We are the legislative body that passed a certain law, which the Attorney General claims has given the power which is now being exercised, although there is not a Member of the Senate who would take the floor and state that it was the intent of the Smith-Connally Act to give the President such power.

The people expect this body to remain on guard. There must be no usurpation of power by the executive or any other branch of our Government. The dangers to our liberties are from within as well as from without.

INVESTIGATION OF SEIZURE OF MONTGOMERY WARD PLANT

Mr. BYRD. Mr. President, the use of military forces to seize the retail stores of Montgomery Ward & Co. and forcibly eject their chairman will cause grave concern to millions of Americans. It has ominous implications which should receive a very quickened public interest even at this time when the attention of the country is overwhelmingly concerned with our military operations abroad.

The Attorney General of the United States flew to Chicago to assume personal command of the armed forces, which he utilized to enforce his demands upon the business operations of Montgomery Ward & Co. He personally directed the soldiers to enter the office of the chairman and to remove the person of the 69-year-old chairman from his own office by physical force. He then directed the soldiers to seize all the books and other property of Montgomery Ward, using the military forces of the United States Government, if such need were necessary.

For the first time in the history of our country we witnessed the spectacle of the Attorney General of the United States acting as a generalissimo in personal charge of military forces to seize a non-war business operation.

The Montgomery Ward organization is engaged in the operation of retail stores. It is not a war industry. It does not come within the purview of the only law, the Smith-Connally Act, passed by Congress authorizing the seizure of plant, mine, or facility, equipped for the manufacture, production or mining of any articles necessary for the war.

If Mr. Biddle can use the armed forces to seize the nonwar business of Montgomery Ward without the approval of either Congress or the courts, he can seize any plant or business operation, using the same military power whenever such person or a business does something to displease him, or does not immediately obey a directive of one of the numerous bureaus of the Federal Government.

Have we reached a state in this country that the directives of a Federal bureau can be enforced at the point of the bayonet? If the directives of the War Labor Board can be so enforced on a nonwar business operation, then so can the directives issued by the Office of Price Administration, the War Production Board, and the dozens of other Government agencies, with the result that the constitutional right of the citizens of America to adjudication of their rights in the proper court of law will be denied to them.

In this instance, Mr. Biddle assumed the position of both the judge and the prosecutor. Are we coming to a Gestapo in this country? Does Francis Biddle cherish the ambition to be an American Himmler?

Our boys enlisted and were drafted to fight the Japs and the Germans. They did not enlist to enter the office of businessmen throughout the country and drag these men from their businesses by physical force and thus violate the very principles of freedom at home for which our sons are fighting and dying abroad to preserve.

The American people are shocked by this unwarranted use of military power.

I do not at this time attempt to reach a decision in the controversy between the management of Montgomery Ward and the War Labor Board, but these facts are clear to me:

First, Montgomery Ward is engaged in a nonwar business operation. It is true that it furnishes through its mail-order department and retail stores farming implements and other things that have a connection with the successful prosecution of the war but, in answer to this, Mr. Sewell Avery says that, notwithstanding the strike and the removal on April 13 of the post-office employees from the mail-order house of Montgomery Ward, where they had been stationed for 30 years, the company is up to date in the filling of all mail orders.

If Montgomery Ward is engaged in a war business, then a vast majority of all the business in America is likewise so engaged, as hardly any business operation does not have some contact, in one way or another, with the operation of the war.

No imperative need has so far been shown for such extraordinary action as that taken by the Attorney General of

the United States in using military forces to seize a business operation which can very properly be classed as nonwar, and in which there has been little loss, if any, of equipment necessary to prosecute the war. What reason, then, actuated the Attorney General of the United States in leaving his duties at Washington and going to Chicago in a spectacular air trip to take charge of the military forces that ejected the chairman of the board of Montgomery Ward? What reason had he to refuse to refer this case to the arbitration of the courts so that under our constitutional procedure it could be determined whether the War Labor Board was right or Montgomery Ward was right?

If he succeeds in thus usurping the power of both Congress and the courts, will he then use the military forces to compel compliance with all the directives of the various other bureaus of the Government?

Today the American people are in the hands of a centralized and entrenched bureaucracy such as America has never before known. It is imperative, so as to preserve our freedoms, that we safeguard the rights of the individual citizens to appeal to the courts, and require that differences that may occur between the citizen and any bureau of the Government shall not be settled by military force, but shall be determined by the Congress and the courts.

It is very pertinent, in this connection, to contrast the action of the Attorney General in taking personal command of troops of the United States in order to eject the chairman of the board of Montgomery Ward from his office and to take possession of all its properties, books, and equipment, with the attitude of the President of the United States, the Attorney General, and all branches of the Government toward the most arrogant labor leader America ever produced, who three times successfully defied his Government in time of war, John L. Lewis.

Generalissimo Biddle did not lead an invading army into the office of John Lewis. In fact, so far as I have observed, not one word of condemnation has been uttered by him of the fact that John Lewis instituted strikes, which occasioned the loss of more than 40,000,000 tons of coal, which is the most basic industry of all in producing military equipment. Neither has the President at any time condemned John Lewis by name for his strike actions. To the contrary, although John Lewis, in the time of the most desperate peril that has ever faced our country, deliberately incited the coal miners to strike and cease producing coal, he not only was not even verbally reprimanded, he was not only not prosecuted, but he was rewarded by having the Government surrender to his demands. I expect to show later on the floor of the Senate that both directly, and by subterfuge, John Lewis obtained more for the members of his union than he actually first requested, and did so because the administration, from the President down, did not have the political courage to do those things that could have been done to compel the continuation of coal production.

On February 11, 1944, I wrote to Mr. Biddle, asking him the question which appears in the following letter:

The Honorable FRANCIS BIDDLE,
The Attorney General of the
United States, Washington, D. C.

MR. DEAR MR. ATTORNEY GENERAL: The Smith-Connally War Labor Disputes Act provides that: "It shall be unlawful for any person to coerce, instigate, induce, conspire with, or encourage any person, to interfere, by lock-out strike, slow-down, or other interruption, with the operation of such plant, mine, or facility" seized by the Government. Such a person is subject, under the Smith-Connally Act, to a "fine of not more than \$5,000, or to imprisonment for not more than 1 year, or both."

On November 1, 1943, at 6 o'clock, the Government seized the bituminous coal mines, yet the strike continued for some days thereafter.

Was an investigation made by the Department of Justice or by any other branch of the Government, to your knowledge, to determine whether or not John L. Lewis was guilty of encouraging or instigating this strike, slow-down, or interruption of work in the mines seized by the Government? Was a decision made by the Department of Justice that John Lewis was innocent of a violation of the Smith-Connally Act?

Mr. Biddle waited for nearly a month, and on March 9 replied as follows:

The Federal Bureau of Investigation has discovered no evidence which indicates that Mr. John L. Lewis, or any of the other international officers of the United Mine Workers, has violated section 6 of the War Labor Disputes Act.

Mr. Biddle evaded my question as to whether or not the Department of Justice had conducted an investigation to determine whether John Lewis was innocent of the violation of the Smith-Connally Act and his reply was so worded as to indicate that an investigation was not actually made by the Federal Bureau of Investigation.

I shall have more to say about this, Mr. President, on the floor of the Senate in the next few days, but I do want to emphasize that the action taken by the Attorney General in using military forces in this instance presents to the Congress a fundamental question which we must meet face to face, namely, if Congress permits any official of this Government to disregard the courts and to use military force to compel acquiescence in the directives of various bureaus, then we have failed to perform our oath to preserve the Constitution of our country.

Mr. President, I ask unanimous consent to insert in the body of the RECORD, as part of my remarks, a statement which has been issued by Mr. Sewell Avery, chairman of Montgomery Ward & Co.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MONTGOMERY WARD'S REPLY TO THE PRESIDENT
OF THE UNITED STATES

Mr. President: We have your telegram of April 23, 1944.

Ward's welcomes the suggestion that an election be held at an early date to determine the employees' choice of representation. The question whether the union represents a majority of the employees in Ward's mail order house and store in Chicago has been pending since November 16, 1943. Ward's

has repeatedly urged a prompt determination of this question, and has publicly announced a readiness to recognize the union when proof of its representation is presented. Although over 5 months have elapsed since the question arose, the union has refused to show that it is the majority choice of the employees by either a card check or an election.

Ward's will continue to observe the wages, hours, and related terms of employment as they were before the expiration of the former contract. Ward's has made no change in any of these conditions since December 8, 1942, and could not do so under the wage stabilization law without prior governmental approval.

Your assertion that the strike is interfering with the distribution of essential goods is based upon misinformation. On April 13, the United States Post Office, presumably acting on orders from Washington, removed its 70 employees from the mail order house. For more than 30 years the post office had maintained this department for the purpose of handling parcel post shipments to Ward's customers. On April 17 the United States Post Office refused to deliver to Ward's incoming parcels from customers on which postage had been fully paid. Despite the assistance given to the strike by the United States Post Office, Ward's store has been open for business during the usual hours each day since the strike began and Ward's is up to date in the filling of mail orders.

Although Ward's welcomes an early election, Ward's cannot, under the law, grant special privileges to the union pending the election. To grant maintenance-of-union membership before the election is held, as the War Labor Board has ordered, would not only violate the employees' fundamental liberty of free choice but it would also permit the union to demand the discharge of all the employees who have resigned from the union since December 8, 1943. Compliance with the Board's order would thus make a mockery of the democratic right of employees to choose their bargaining representatives freely and without interference.

By ordering the retroactive reinstatement of maintenance of membership, the War Labor Board has demonstrated its utterly unfair character, and its complete disregard of the command of Congress that its orders conform to the National Labor Relations Act.

Ward's experience with the War Labor Board over a period of 2 years has convinced Ward's that the Board is a means by which special privileges are granted to labor unions. The union members of the War Labor Board are men chosen for leadership of the unions, and have actually advanced the interests of the unions. The so-called public members have consistently joined with the union members to support the demands of organized labor. The so-called industry members are committed to a policy of supporting the majority vote of the union members and the union-dominated public members.

The War Labor Board has always claimed that its orders are law and must be obeyed. It has coerced innumerable employers into acceptance of its order by threatening the seizure of their businesses.

When Ward's brought suit to have the Board's orders declared illegal, the Board asked the courts to dismiss the case. In direct contradiction to its previous claims of power, the Board's plea to the court was that its orders were not legally binding, but were only advice which Ward's need not accept. The purpose of this plea was to deny Ward's a trial before the courts. The issues raised by Ward's case against the War Labor Board are judicial questions which, under the Constitution, only courts may decide. The War Labor Board, by asking you to force Ward's to comply with its order while seeking to deprive Ward's of an opportunity for a hearing in the courts, has demonstrated its lack of respect for our Con-

stitution and the fundamental rights which the Constitution guarantees.

Your assertion that, if Ward's does not accept your direction, you will take further action, has been construed by the press to threaten the seizure of Ward's plant and business.

The Constitution of the United States guarantees to the people the protection of those fundamental rights without which there can be no liberty. Under the Constitution, Congress is the sole law-making authority. Neither the President of the United States nor any other official has the legal right to seize any business or property either in time of peace or in time of war unless Congress has expressly given him the power to do so.

Congress has given the President no power to seize the nonwar business of Montgomery Ward. Any seizure of Ward's plant or business would be in complete disregard of the Constitution which the President is sworn to uphold and defend.

Ward's has violated no law nor denied to the union any privilege to which it is legally entitled.

Respectfully,

MONTGOMERY WARD & Co.,
SEWELL AVERY, Chairman.

Mr. BYRD. Mr. President, I submit a resolution requesting that this matter be promptly investigated by the Senate Committee on the Judiciary. I ask that the resolution be read by the clerk, and lie on the table.

Mr. CHANDLER. Before the resolution is read, will the Senator yield?

Mr. BYRD. I yield.

Mr. CHANDLER. This is not the first instance of the use of the military power to take over plants. I call the Senator's attention to the fact that very recently troops moved in and took over the plants of the Ken-Rad Corporation at Owensboro and Bowling Green, Ky. There might have been some excuse, or the Government might have thought it had some excuse, for taking over those plants, because they were making articles for the Army and the Navy. But they were at peak production, and there were under consideration two plans for increasing the pay of the employees. When the plan submitted by the man in charge of the plants, the employer, was turned down, and he said he would not obey the order issued by the Board, the troops moved in, and since they moved in and actually took charge of the operations of the plants without any authority of law and without submitting the question to the courts, production has fallen off. Instead of accomplishing anything, the war effort has really been retarded as a result of taking over the plants.

Mr. BYRD. That is not quite so bad as the present instance, because Montgomery Ward is a nonwar industry.

Mr. CHANDLER. But it shows the disposition to take over plants if the management do not obey a ruling of the War Labor Board, and obey it promptly.

The PRESIDING OFFICER (Mr. McFarland in the chair). The clerk will read the resolution submitted by the Senator from Virginia.

The Chief Clerk read the resolution (S. Res. 286) as follows:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation of the action of the Attorney General of the United

States in seizing the plant of Montgomery Ward & Co., in forcibly removing the chairman of its board of directors from the premises, and in the use of military force in connection therewith, with a view to ascertaining whether such action was warranted and authorized under the laws of the United States.

For the purpose of this investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$1,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The PRESIDING OFFICER. Without objection, the resolution submitted by the Senator from Virginia will be received and lie on the table.

Mr. McCLELLAN. Mr. President, I wish to commend the able junior Senator from Virginia [Mr. BYRD] for his remarks on the floor of the Senate today and for submitting the resolution authorizing the Judiciary Committee of the Senate, or a subcommittee thereof, to make a thorough and immediate investigation of the action which has transpired in the seizing and taking over of the business establishment of Montgomery Ward & Co. There is serious concern throughout the Nation today over this unprecedented incident. The Attorney General contends that it was done under authority of legislation enacted by the present session of Congress.

I am sure that no Senator, in voting for the Smith-Connally Act, intended that any such authority be conferred as has been invoked in the Montgomery Ward case, nor interpreted its provisions as they are now construed by the Attorney General of the United States. I think this situation poses a question which goes to the very fundamentals of a system of government which guarantees liberty to the individual citizen, and the Congress has a definite responsibility in connection with this problem.

Mr. President, I wish to announce my support of the resolution just submitted by the Senator from Virginia. I believe the Senate should promptly adopt it. It is true that the issue has been thrown into the courts, but long and exhaustive court procedure necessary to a final conclusion will not enable the Congress to acquaint itself with facts and information it may need in meeting its immediate responsibility. The people have a right to know and they want to know now what extreme rights and powers the Congress has delegated or what authority is being abused or usurped in this extraordinary conduct of Government.

In this connection, Mr. President, I ask unanimous consent to have printed in the Record immediately following my

remarks a telegram which I have received from a large number of citizens in my State on this question.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LITTLE ROCK, ARK., April 27, 1944.

Hon. Senator JOHN L. MCCLELLAN,

Washington, D. C.:

Taking over private business not engaged in manufacturing or distributing war material by the President not authorized by act of Congress or the Constitution is pure dictatorship. We demand immediate legislation curbing the assumption of power by the War Labor Board and the President before it is too late.

Verne McMillen, Sid B. Readding, E. E. George, Thos. S. Buzbee, John W. Atkinson, Edward L. Wright, W. Henry Rector, June P. Wooten, Henry E. Spitzberg, Wallace Davis, C. E. Higgins, Arthur B. Coon, D. G. Iliff, Cecil A. Gibson, J. C. Lewis, Edwin W. Pickthorne, Lawson L. Delony, Fred Holder, L. D. Patty, R. E. Weaver, Jr., Drew Bowers, Paul E. Speirer, Claude S. Hall, R. L. Powell, Miriam Watkins, A. L. Barber, Roy Donham, L. E. Scott, J. C. Buchanan, Terrell Marshall, E. R. Parham, E. A. Vogel, A. S. Buzbee, A. C. Brown, W. A. Nickerson, Cooper Jacoway, Frank J. Willis, J. Hugh Wharton, R. M. Traylor, A. C. Proctor, Warren Baldwin, Glenn M. Motley, Albert J. Heyden, S. Lasker Ehrman, Guy B. Reeves, N. C. Withrow, J. A. Watkins, Ben Q. Adams, Earl W. Frazier, O. D. Longstreth, Arthur E. Frankel, F. A. Sweeney, Lela L. Bentley, W. F. Scott, H. W. Houston, Dorothy S. Yates, John W. Newman, Frank Pace, E. L. Carter, John M. Harrison, Taylor Roberts, Fred Rogers, P. A. Lasley, Curtis L. Finch, M. F. T. Hanna, Edwin M. Williams, E. C. Curtis, J. H. Martin, R. E. Williams, M. A. Matlock, Grover T. Owens, Geo. S. Wittenberg, W. N. Stannus, J. M. Gunn, John S. Gatewood, F. D. Watkins, M. V. Moody, J. Fred Jones, Gloria Minkin, H. P. Hadfield, N. R. Overstreet, E. L. Grady, P. Scott.

Mr. EASTLAND. Mr. President, I join the junior Senator from Arkansas in commending the distinguished Senator from Virginia for his courageous speech today, and for the resolution which he submitted providing for an investigation by the Judiciary Committee of the Senate of the action of the Attorney General of the United States in taking over the plant and business of Montgomery Ward & Co. When that resolution reaches the floor of the Senate I expect to support it.

As I understand, section 3 of the Smith-Connally Act is the principal legal authority upon which the Attorney General acted. I cannot see that he has any authority under that act, or the Presidential war powers, to take over a private mercantile business which is not engaged in the war effort. Section 3 of that act provides as follows:

The power of the President under the foregoing provisions of this section to take immediate possession of any plant upon a failure to comply with any such provisions, and the authority granted by this section for the use and operation by the United States or in its interests of any plant of which pos-

session is so taken, shall also apply as hereinafter provided to any plant, mine, or facility equipped for the manufacture, production, or mining of any articles or materials which may be required for the war effort or which may be useful in connection therewith.

There is no dispute, under the facts, that Montgomery Ward & Co. is not a manufacturing "plant, mine, or facility equipped for the manufacture, production, or mining of articles or materials" for the war effort, but is a general mercantile business engaged in supplying goods by mail order for the civilian needs of the United States. I cannot see one scintilla of justification in the act for the authority which has been assumed.

The people of this country are rightfully stirred up as a result of this action, and I certainly hope the Senate will speedily adopt the resolution authorizing the investigation. The people of the United States today look to and expect the Congress to take action to protect the fundamental liberties of the American people and to protect our system of Government. As I see it, the fundamentals of American liberty are involved in this issue.

I am shocked and amazed not only at the opinion of the Attorney General, but at his unheard-of action in seeking to administer the order and directing the troops. This is contrary to my conception of his duties, and is an unrivaled precedent to establish. The investigation will be fairly conducted by a Senate committee. I hope it will speedily be launched.

Mr. O'DANIEL. Mr. President, we have just witnessed in this Nation a tragic and disgraceful performance which most Americans would have said only a few short years ago "could not have happened here." But it has happened, and the head of a reputable retail store has been forcibly carried out of his place of business by our brave soldier boys who joined the Army under General Marshall to put Hitler out, but some of whom have wound up under "Generalissimo" Biddle by putting Sewell Avery out. This grandstand play was made by "Gen." Francis Biddle, and its enactment has all the earmarks of imitating the generalissimo and his Gestapo of some foreign dictatorial government. Thus the raid that has been carried on by the New Deal dynasty against private enterprise in this Nation for about 11 years has reached its logical conclusion, and I am sure that the Communists, labor-leader racketeers, bureaucrats, and New Deal big-heads are very happy about the whole detestable debacle.

Immediately prior to my becoming a United States Senator, I was Governor of Texas, and during my terms of office as Governor, Texas enacted labor legislation which has kept that State practically free of strikes while strikes have been running rampant in other States and seriously retarding the war effort and costing the lives of many of our brave men on foreign battlefields. When I came to the Senate August 4, 1941, I immediately introduced the same bill which had been enacted in Texas.

Since then I have introduced several other bills, the effect of which if they had been passed would have prevented this disgraceful performance; but the Senate has not seen fit to agree with me on these bills, and the committees to which the bills were referred have failed even to report them to the Senate. The reason I introduced these bills was because it seemed to me that the Congress and the President during the reign of the New Deal had turned this Government over to a gang of labor-leader racketeers, and the purpose of my bills was to recover our Government from this gang, and return it to the people. I hope this sad incident at Chicago will arouse the Members of both Houses of Congress to the point where they will take action that will curb the racketeering of labor leaders, and if the bills I have introduced will not do the job, I hope some Senator will write stronger bills and bring them to the floor of this Senate.

While this Chicago incident is alarming, distasteful, and disgraceful to a Nation that claims to practice democracy, yet it seems clear to me that it is only the natural result of unsound legislation that has been passed by this New Deal administration during the past 11 years. In other words, it is only the reaping of that which has been sown right here in the Senate Chamber.

Mr. President, I ask unanimous consent to have printed at the close of my remarks copies of several telegrams which I have received about the seizure of the Montgomery Ward & Co. retail store in Chicago, together with copies of the eight bills which I have introduced in the Senate and which are still slumbering peacefully in some committee. These telegrams express the attitude of many of our citizens, and there are thousands of others who feel the same way about this matter. I again urge the committees of this Senate which have my bills to bring them to the floor of the Senate for consideration. I am fully convinced that these bills cannot be passed by this Congress as it is presently composed, but I should like to put these honest constructive bills before this body once and have a yea-and-nay vote before the general election so that the people may know just how each Senator stands on these basic problems. This Chicago incident is only part of the havoc that has been inflicted upon the great rank and file of the people of this Nation during the 11-year reign of the New Deal gang. It will take several generations of sacrifice and suffering under sane administrations for us to ever get back to our American form of democracy as bequeathed to us by our wise forefathers in the Constitution of the United States of America.

I am certainly glad that election time is not far off, and I sincerely hope that the people of this Nation will go to the polls this year with "blood in their eyes" and determined to conduct a thorough housecleaning in Washington from the cellar to the attic and at the same time elect men and women to Congress who will pledge themselves in advance to support my Resolution No. 86 which pro-

vides for limiting the tenure of office to 6 years for every elected official in the executive and legislative branches of our Federal Government.

There being no objection, the telegrams and bills were ordered to be printed in the RECORD, as follows:

CORPUS CHRISTI, TEX., April 28, 1944.
Senator W. LEE O'DANIEL:

Between Eleanor and her Negroes Franklin and his C. I. O. has driven us Republican.
F. E. NICHOLS.
ROBERT A. HUMBLE.

NEW YORK, N. Y., April 27, 1944.
Hon. W. LEE O'DANIEL,
United States Senate:

The action of the President in taking possession of Montgomery Ward & Co. is an outrage, a violation of the Constitution, and a C. I. O.-ation of the law. If this action is legal the President can take possession of any merchant's property or for that matter of any business in the United States. I hope you as a Senator from this great State will protest.

R. E. WOOD,
Sears, Roebuck, Chicago.

SAN ANTONIO, TEX., April 28, 1944.
Senator W. LEE O'DANIEL,
United States Senate:

Trust you will use your influence for congressional action stopping Government seizure of private nonwar business.

R. E. WILLSON,
San Antonio, Tex.

TYLER, TEX., April 28, 1944.
Hon. W. LEE O'DANIEL,
United States Senate:

Seizure of Ward plant in Chicago in violation of principles for which we are fighting. Your support of congressional investigation is requested.

JOHN R. CAMPELL.

FORT WORTH, TEX., April 28, 1944.
Senator W. LEE O'DANIEL,
Washington, D. C.:

The Government handling of the Montgomery Ward case is disturbing too many of your constituents. Do you agree with this un-American procedure; if not is there anything that you can do about it?

J. M. DYSART.

TEXARKANA, ARK., April 27, 1944.
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

It may interest you to know I have sent following telegram to all Texas and Arkansas Members of Congress: "If it is legal for Roosevelt by force to turn Wards over to C. I. O., who made it legal and what do they intend to do to remedy situation?" We know your attitude and approve. It will interest you to know that at meeting of more than a hundred Texarkana businessmen last night Mayor William V. Brown announced you are only present Member of Congress he will vote for again. Much applause. Brown served seven terms as city attorney and is now beginning his sixth term as mayor. Being elected this time without opposition, and is politically wise.
HENRY HUMPHREY GAZETTE.

WICHITA FALLS, TEX., April 27, 1944.
W. LEE O'DANIEL,
Washington, D. C.:

The third term did enough damage to the Democratic Party. Fourth term of dictatorship will put an end to our party and everything else that is dear to the American people.
W. F. MCCOLLUM.

SAN ANTONIO, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Presidential action Montgomery Ward matter is the most dangerous move since the Constitution of the United States was written. We are expecting you to do something about it and quickly.

N. H. WHITE.

SAN ANTONIO, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

Am vigorously opposed to seizure of Montgomery Ward by the Government. Hope you feel likewise and that you make your feelings known in no uncertain terms.

FRANK PATTON,
San Antonio Laundry.

FORT WORTH, TEX., April 27, 1944.
Honorable W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

I wish to register my protest against the Government action in the Montgomery Ward case in Chicago.

RUTH B. ZANT.

LONGVIEW, TEX., April 27, 1944.
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Please use all your influence to save country from terroristic methods of War Labor Board and Attorney General as exemplified in Montgomery Ward case. If procedure that case upheld we have lost war if we win it.

ELIZABETH L. LEE.
LOUIS F. HART.
MRS. MIKE ANGLIN.
RUTH SUTTON CASWELL.
REBECCA MARINA CAMERON.
R. A. JOHNS.
B. A. BARRETT.

FORT WORTH, TEX., April 27, 1944.
Hon. W. LEE O'DANIEL,
United States Senate,
Washington, D. C.:

I wish to register my protest against the Government action in the Montgomery Ward case in Chicago.

JERE H. CASON.

SAN ANTONIO, TEX., April 27, 1944.
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

I am terrified at the report in today's press of the action of our Government in the C. I. O.-Montgomery Ward controversy. I am sure our representatives will not let it pass without challenge of the strongest kind and want to add my appeal to you to use your great influence to correct this situation and prevent a recurrence ever in the future.

T. D. ANDERSON.

HOUSTON, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
Washington, D. C.:

Roosevelt's seizure of Montgomery Ward is the most high-handed piece of dictatorship ever forced upon the American people. The voters of Texas look to you as their representative to fight this outrageous unconstitutional seizure of lawfully conducted private industry. I am a foreman in a shipyard and I know how the average man feels about this sort of thing.

W. B. OSBORN.

DALLAS, TEX., April 27, 1944.
Hon. W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Have discussed the unwarranted and wholly un-American procedure in the taking over of Montgomery Ward & Co., a retail and non-war producing concern by power-crazed officials pretending to execute the laws of our Government with approximately 25 of my closest friends and business associates, and without one dissenting voice they thought it was the most contemptible C. I. O. labor-baiting move that has been foisted upon the American Public. Each one has requested I wire you their protest against such high-handed procedure and request that you join any move for a thorough and far-reaching investigation that will eventually gain enough momentum that will create such an outburst of public disgust and disapproval that our Congress will take such steps to assert itself, and revoke the unlicensed and unconstitutional action taken by the power-crazed White House officials. Please advise me at once your attitude and intentions.

E. E. FARROW.

FORT WORTH, TEX., April 27, 1944.
Hon. W. LEE O'DANIEL,
The United States Senate,
Washington, D. C.:

Feel Montgomery Ward & Co. case being tyrannically handled. How do you stand on this action?

H. D. SIMMONS,
Fort Worth, Tex.

UVALDE, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
Senate Chamber, Washington, D. C.:

Today it is Montgomery Ward. If you do not protest tomorrow inevitably it will be Big Business, Inc.; Middle Size Business, a copartnership; then poor old Joe Doak's, doing business under the assumed name of Little Man, sole owner. Come on Senator, say something—do something—the time is now.
SUTTLE & KASSLER,
Attorneys at Law.

SAN ANTONIO, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
Senate Office Building,
Washington, D. C.:

Please vigorously protest in the name of common decency the seizure by the Army of Montgomery Ward, retail store in Chicago, for the sole purpose of winning its strike for the C. I. O.

J. M. HARRIS.

SAN ANTONIO, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
United States Senate Building,
Washington, D. C.:

I have been a Democrat for 23 years, have taken the bad with the good in the interest of the party, but this Montgomery Ward outrage on the part of the President and Jesse Jones is more than I can stomach. Have supported you in all of your campaigns but I would like to know what you are going to do about this.

JOHN M. COLEMAN,
San Antonio, Tex.

SAN ANTONIO, TEX., April 27, 1944.
Senator W. LEE O'DANIEL,
Washington, D. C.:

The Montgomery Ward seizure looks like going too far.

G. W. MITCHELL.

SAN ANTONIO, TEX., April 27, 1944.
 Senator W. LEE O'DANIEL,
*Senate Office Building,
 Washington, D. C.:*

Vigorously protest the President taking over private business such as Montgomery Ward by use of troops. Such procedure is unthinkable in America and the President should not be permitted to use troops to give aid and comfort to a C. I. O. strike. Such procedure should be stopped immediately.

JOE S. SHELDON.

SAN ANTONIO, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
*United States Senate,
 Washington, D. C.:*

The seizure of the Montgomery Ward Co. by the President's edict is a disgrace to democracy. If allowed to stand this action is the beginning of the end of free enterprise in this country. We believe Congress should act quickly and effectively in this matter.

RAY LEEMAN,
*Executive Vice President, South
 Texas Chamber of Commerce.*

SAN ANTONIO, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
Washington, D. C.:

In our opinion Government taking over Montgomery Ward is unwarranted infringement of rights of individual enterprise. Are relying on you to prevent further similar action.

C. C. LEE,
*Executive Secretary, San Antonio
 Manufacturers Association.*

SAN ANTONIO, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
*United States Senate,
 Washington, D. C.:*

We feel that the action taken by the Government in the case of Montgomery Ward demands immediate investigation by Congress.

H. J. RICHTER,
President, Richter's Bakery.

SAN ANTONIO, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
Washington, D. C.:

Seizure of Montgomery Ward Co. over union maintenance contract very alarming to retail business and free enterprise. Please use your good office to correct this situation and let's return to constitutional government and our Bill of Rights.

A. L. BECKER,
Handy Andy, Inc.

DALLAS, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
*United States Senate Office
 Building, Washington, D. C.:*

Picture on front page of this evening's Dallas Times-Herald is most disgusting exhibition of autocratic powers of Roosevelt administration local populace has ever witnessed. Two soldiers are depicted throwing Sewell Avery out of Montgomery Ward office. Why don't you demand immediate Senate investigation of this whole illegal proceeding. Procedure is most unwarranted usurpation of citizen rights I have ever seen. What are we fighting for; the free American, or are we being ruled by labor unions and the Gestapo? Take action as an elected representative of Texans who can't stomach this last outrage against the rights of every American citizen. If they get away with this in Illinois, they can do the same thing any other place. Warmest regards.

C. ANDRADE.

HOUSTON, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
*United States Senate,
 Washington, D. C.:*

Press reports indicate very clearly the unfairness of the action of the War Labor Board in handling Montgomery Ward's employee situation and numerous others of similar nature; also, the taking over and operation of the properties violate every principle of the Constitution which so many of our young men are making the extreme sacrifice to defend, and there is no evidence that this action on the part of the Board will produce any benefit toward the successful conclusion of this terrible struggle. Therefore, we violently protest the dictatorial action of the War Labor Board and urge that it be made to turn to a policy of fairness to one and all alike or be abolished.

Southern Floral Co.: J. W. Weatherford, president; A. L. Wright, John Hatteberg, Mrs. A. W. Gilbert, H. Purcell, F. A. Weatherford, R. M. Hicks, Jack Dempsey, employees.

HOUSTON, TEX., April 27, 1944.
 Senator W. LEE O'DANIEL,
*United States Senate,
 Washington, D. C.:*

The executive department claims that the Montgomery Ward outrage against constitutional democratic government was directly authorized by acts of Congress. If Congress is responsible, the mistake should be immediately corrected. If we permit our Government to ignore the Constitution, usurp totalitarian power, and govern us by armed forces, we have surrendered our liberty and our democracy is gone. If our Chief is usurping authority not granted him by Congress and denied him by the Constitution, impeachment proceedings are in order.

JOHN A. DEERING.

DALLAS, TEX., April 27, 1944.
 Senator W. LEE O'DANIEL,
Washington, D. C.:

As a voter, I ask that Montgomery Ward be returned to its owner and overpowering of the President's orders to seize this company.

E. J. WRIGHT.

DALLAS, TEX., April 27, 1944.
 Senator W. LEE O'DANIEL,
Senate Building:

Soldiers with fixed bayonets stood guard at the entrance while a Gestapo squad with cocked rifles went directly to Mr. Avery's office.

W. H. JOHNSEN.

DALLAS, TEX., April 27, 1944.
 Hon. LEE O'DANIEL,
Senate Office Building:
 I note with alarm the Montgomery Ward situation. Is the C. I. O. or Congress running our country?

E. L. DALTON.

EVANSTON, ILL., April 26, 1944.
 SENATOR W. LEE O'DANIEL,
Senate Building, Washington, D. C.:

Regarding Montgomery Ward seizure, I implore you take immediate action to restrain this Presidential action. This is non-war issue. Civil rights and liberty must be protected. The upright citizen's hope lies with Congress.

W. R. WHITELEY.

HOUSTON, TEX., April 26, 1944.
 Senator W. LEE O'DANIEL,
United States Senate, Washington, D. C.:
 Were alarmed to hear the news that the Government had taken over Montgomery

Ward. It would seem that the time has come for Congress to act to protect the constitutional rights of business and to curb the unconstitutional methods of our executive branch.

Loyal supporters,
 Mr. and Mrs. J. N. C. CAMERON.

WASHINGTON, D. C., April 26, 1944.
 Hon. W. LEE O'DANIEL,
United States Senate, Washington, D. C.:
 Roosevelt's illegal and unlawful and apparently impeachable act against Montgomery Ward & Co. seems to me to endanger the constitutional rights of all citizens and in my opinion, smacks of fascism, the thing we are supposed to be fighting abroad. Please help rectify situation. Thanks and regards.
 E. M. NICHOLS.

DALLAS, TEX., April 27, 1944.
 Hon. W. LEE O'DANIEL,
United States Senate:

If the National Labor Relations Act legally permits the action of the President of the United States in taking over the business of Montgomery Ward & Co., the Congress is directly responsible for a political condition that parallels Hitler's philosophy against which we have declared war and in an effort to destroy this philosophy you are sending our boys overseas. As a citizen I petition you for immediate action toward amending this law to make such a situation impossible. The reported action of the Post Office Department is inexcusable under the laws of our country and must be immediately corrected.

CRUGER T. SMITH.

SAN ANTONIO, TEX., April 28, 1944.
 Senator W. LEE O'DANIEL,
*United States Senate Office Building,
 Washington, D. C.:*

As a native Texan I vigorously protest Army taking over Montgomery Ward, a retail store, in order to protect C. I. O. Congress should take action.

MARSHALL O. BELL.

DENTON, TEX., April 28, 1944.
 Hon. W. LEE O'DANIEL,
*United States Senate,
 Washington, D. C.:*

Re President's seizure Ward. If Congress has granted President the arbitrary powers used, Congress is the agent which has destroyed American liberties and the American Bill of Rights. American citizens, the owners of any business, also have constitutional rights which neither Congress nor the President has any right to usurp. It is time to correct the situation.

MORRISON MILLING Co.
 E. W. MORRISON,
President.

SAN ANTONIO, TEX., April 28, 1944.
 Senator W. LEE O'DANIEL,
Washington, D. C.:

What has happened to Montgomery Ward in Chicago is a disgrace to the Nation, and it is high time that you representing us in Texas did something about it. What are we fighting Hitler for?

GENERAL SUPPLY Co., Inc.,
 G. B. PRENTISS, *President.*

BAY CITY, TEX., April 28, 1944.
 Senator W. LEE O'DANIEL,
Senate Building, Washington, D. C.:
 The citizens of Bay City and Matagorda County are thoroughly aroused because of the drastic and dictatorial action taken by the Federal Government in confiscating the

property of Montgomery Ward Co. in Chicago. It is the belief of our people that Congress should now take steps to curb the assumed powers of the Executive. As we interpret the action, it was done only for the benefit of the labor unions. If the Government is successful in this case anyone's private business is unsafe in America. We sincerely and earnestly request and even demand that Congress do something now to prevent further encroachment on the civil rights of the American people.

BAY CITY CHAMBER OF COMMERCE,
By E. O. TAULBEE, President.

S. 189

A bill making unlawful the use of force or violence, or threats thereof, to prevent or attempt to prevent any person from engaging in any lawful vocation

Be it enacted, etc., That it shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or to attempt to prevent any person from engaging in any lawful vocation.

SEC. 2. It shall be unlawful for any person acting in concert with one or more other persons to assemble at or near any place where a labor dispute exists and by the use of force or violence, or threat of the use of force or violence, prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person to promote, encourage, or aid any such assemblage at which such force or violence, or threat thereof, is so used. As used in this section, the term "labor dispute" shall have the meaning assigned to it in section 2 (9) of the National Labor Relations Act.

SEC. 3. Any person who violates any provision of this act shall, upon conviction thereof, be imprisoned for not less than 1 year nor more than 2 years.

SEC. 4. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

Senate Joint Resolution 4

Joint resolution proposing an amendment to the Constitution of the United States, relative to freedom to work

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the conventions in three-fourths of the several States:

"ARTICLE—FREEDOM TO WORK

"SECTION 1. No person shall be denied employment because of membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union; nor shall any corporation or individual or association of any kind enter into any contract, written or oral, to exclude from employment members of a labor union, or person who refuse to join a labor union, or because of resignation from a labor union; nor shall any person against his will be compelled to pay dues to any labor organization as a prerequisite to or condition of employment.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation."

S. 728

A bill to amend the National Labor Relations Act

Be it enacted, etc., That section 8 of the National Labor Relations Act is amended by adding at the end of such section a new paragraph to read as follows:

"(6) Nothing in this act shall be construed as preventing the employer from expressing his opinion concerning any matter affecting the relationship between employer and employee. The employer shall be free to state to his employees his opinion and preferences concerning any labor organization, or organizations, seeking to secure the right to represent his employees and such right shall include the right of the employer to free and open discussion of all the issues involved: *Provided,* That the employer in such discussion shall not threaten to deprive his employees of any rights which they have under the law."

S. 727

A bill to amend the National Labor Relations Act

Be it enacted, etc., That so much of the first sentence of section 8 of the National Labor Relations Act as precedes paragraph (1) of such section is amended to read as follows:

"SEC. 8. It shall be an unfair labor practice for an employer, a labor organization, or an officer, member, or employee of a labor organization, or any other person or persons—"

S. 728

A bill to amend the National Labor Relations Act

Be it enacted, etc., That paragraph (3) of section 2 of the National Labor Relations Act is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a colon and the following: "*Provided, however,* That the Board shall have no power to order the reinstatement of an employee or order payment of back wages to an employee where the employee has willfully engaged in violence or unlawful destruction or seizure of property in connection with any labor dispute or in connection with any effort to organize the employees of said employer; nor shall any employer be required to accept as a collective bargaining agency to represent his employees any person or organization that has willfully engaged in violence or unlawful destruction or seizure of property in connection with any labor dispute or in connection with any effort to organize the employees of said employer."

S. 191

A bill relating to the hours of employment, compensation, and conditions of employment of employees engaged in interstate commerce or the production of goods for such commerce or employed in the performance of any Government contract

Be it enacted, etc., That the Fair Labor Standards Act of 1938 be amended as follows: At the end of the act, insert the following: "That during the wars in which the United States is engaged no employer shall enter into any contract or arrangement, or enforce or carry out the provisions of any contract or arrangement, which provides that with respect to employees engaged in interstate commerce or in the production of goods directly or indirectly for such commerce, or engaged in performing work under any contract with the United States, there shall be any discrimination against any person because he is or is not a member of a labor organization. No employer who violates the

provisions of subsection (a) of this section shall, for a period of 2 years after such violation occurs, be eligible to enter into any contract with the United States; and no officer or agency of the United States shall enter into a contract with any such employer during such 2-year period. The Secretary of Labor shall keep the various contracting officers and agencies of the United States informed as to the names of employers who are ineligible by reason of this section to enter into contracts with the United States."

S. 190

A bill to amend certain provisions of law relating to overtime pay, and for other purposes

Be it enacted, etc., That section 7 of the Fair Labor Standards Act of 1938 is amended to read as follows:

"SEC. 7. Every employer shall pay to any of his employees who are engaged in commerce, or in the production of goods directly or indirectly for commerce, compensation at the same rate for all hours worked by such employee during any pay period."

SEC. 2. Until the termination of the wars in which the United States is now engaged, (a) no provision of Federal or State law which limits or restricts hours of employment shall be applicable with respect to employees of any contractor who is engaged in the performance of work directly or indirectly necessary for the fulfillment of any contract between such contractor and the United States, and (b) no provision in any contract heretofore or hereafter made with the United States restricting or limiting the hours of employment of employees employed under or in connection with such contract, and no penalty or forfeiture for violation of any such provision shall be enforceable by any officer or agency of the United States.

SEC. 3. The act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," approved June 30, 1936, is amended by adding at the end of the first section thereof the following new paragraph:

"(f) When the wage rates for regular hours of employment have been determined for the purposes of this act, the same hourly wage rates shall apply with respect to all hours worked during any day or workweek or other work period in employment with respect to which wages are determined under this section."

Senate Joint Resolution 86

Joint resolution proposing an amendment to the Constitution limiting the tenure of office of President and Vice President of the United States and Members of Congress to 6 years and imposing limitations on the appointment or election of certain persons to office.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The term of office of each President of the United States and of each Vice President of the United States elected after the date of this article takes effect shall be 6 years; and no person who shall have served as President or Vice President shall be eligible for election to the office of President or the office of Vice President.

"Sec. 2. No person shall be eligible for election or appointment to the office of Senator or Representative in Congress for any term which, if served by such person, would cause the aggregate service of such person as a Member of either or both the Senate and the House of Representatives to exceed 6 years.

"Sec. 3. Nothing contained in section 1 or section 2 of this article shall be construed to prevent any person who may hold the office of President, Vice President, Senator or Representative in Congress, during the term within which this article is ratified from holding such office for the remainder of such term.

"Sec. 4. No person shall be appointed to any civil office under the authority of the United States who holds, or who shall have held within 5 years next preceding the date of such appointment, the office of Senator or Representative in Congress or of judge of any court under the authority of the United States, but nothing contained in this section shall be construed to prevent the appointment or assignment of a person who holds the office of judge of a court under the authority of the United States, to the office of judge of any other court under the authority of the United States.

"Sec. 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

RETURN TO PRIVATE OWNERSHIP OF GREAT LAKES VESSELS—CONFERENCE REPORT

Mr. RADCLIFFE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3261) to amend the act of April 29, 1943, to authorize the return to private ownership of Great Lakes vessels and vessels of 1,000 gross tons or less, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1, 2, and 3.

GEORGE L. RADCLIFFE,
ARTHUR H. VANDENBERG,
(Per GEORGE L. RADCLIFFE.)

Managers on the Part of the Senate.

S. O. BLAND,
ROBERT RAMSPECK,
RICHARD J. WELCH,
JOSEPH J. O'BRIEN,

Managers on the Part of the House.

The report was agreed to.

SERVICES OF THE MEDICAL PROFESSION IN THE WAR

Mrs. CARAWAY. Mr. President, there have been engaged in the present great conflict many heroic individuals and groups who have not been accorded the praise to which they are entitled.

This is but natural in a war effort so great as the one in which we are engaged. The work which these individuals and groups do may not be so spectacular as that which is done by others, but it is just as valuable and as necessary in winning the final victory.

I have long been an admirer of the medical profession. America owes much to it. It would take more time than is allotted to me adequately to comment upon the subject; suffice it to say that the health and proper medical care of our citizens is one of the most vital of

our assets. That is true in peace. It is more so in war.

It is my understanding that at least one-third of the doctors in the United States are in the various branches of our armed services. That enables our men to have the best medical care of any of the armies at war. Wishing to pay tribute to the medical profession for its war efforts, I have made considerable research into the subject. The information I have is derived largely from Army sources. I am certain, however, that the same fine record has been made by those in other services. I have felt that the people at home should have a better knowledge of what is being done for those who are in the armed services. It is largely for this purpose that I speak.

Mr. President, there is no activity in this war which affects so certainly the happiness of our citizens generally after victory, as does the medical care of our soldiers. Whether our boys come home or not will depend largely upon the doctors who have volunteered their services to the Medical Corps. Whether, if the boys return alive, they will be in condition to be useful members of society again will in all likelihood depend upon the medical services rendered under the Army's medical program.

The wounded soldier in this war, thanks to our Army doctors, scientists, and medical administrators, has the best chance of recovery after he reaches an Army hospital of any soldier of any country in any war in history. Less than 3 percent of the wounded who reach hospitals die. And if the soldier reaches an evacuation hospital he has five times the chance of survival that he had in World War No. 1.

Not only is the medical department's program for wounded soldiers an exceptional one, but the Army program of preventive medicine insures that every mother's son will have a chance to maintain far better health in service than he ever had in civilian life. Deaths in the Army from all diseases were 6 per thousand men in 1943. The same rate was maintained in 1942. The rate for the entire civilian population of the United States for 1942 was 9.5 deaths per thousand. Of course, that includes all ages, but it is considered noteworthy that the soldier in the Army has much less chance of dying from disease than those in civil life. More than that, he may return to his peacetime job healthier and stronger physically by reason of the knowledge of healthful living gained while in the service.

Every citizen is entitled to know of the care that is taken to keep our soldiers well, and of the fine medical attention they receive if, unfortunately, they fall sick or are wounded. Friends and relatives may gain much comfort from knowing that in our Army hospitals the soldier receives as good or better professional care than one ordinarily receives in civil life. Our Surgeon General, Maj. Gen. Norman T. Kirk, has been one of the most prominent American surgeons since the days of the First World War.

Probably no branch or service of the Government has the record the Army medical department has for close cooper-

ation with other governmental agencies and with the civilian organizations in this field. It maintains close cooperation with the Navy, Selective Service, Veterans' Administration, and with civilian groups through the National Research Council. More than 100 of the Nation's outstanding physicians, surgeons, epidemiologists, and research workers in infectious diseases have been appointed as civilian consultants to the Surgeon General of the Army. One or more of these groups is constantly in the field studying and advising at points where the welfare of our soldiers is threatened, and findings in medicine, surgery, and disease prevention on all fronts are recorded for the mutual benefit of the various theaters of operations and for what will be the ultimate benefit of peacetime civilizations.

Many diseases and many types of wounds that took great toll in World War No. 1 have been so well harnessed or controlled in this war that the occurrence and mortality rates are only small percentages of what they were then. New drugs—sulfanilamides and penicillin—blood plasma, adequate surgery at the front lines, and quick evacuation of our troops have been among the largest contributing factors in reducing disease occurrence and mortality rates. The reduction is also due to the fact that our medical department strives to forestall epidemics of influenza and other diseases rather than stopping them after they are started. All these factors are involved, plus the heroic doctors and nurses and medical department enlisted men.

We hear accounts almost daily of doctors being killed or wounded at the front while treating those who have fallen in battle, of unarmed medical enlisted men losing their lives in seeking to rescue wounded, while bullets are whizzing about, and of nurses kneeling on the muddy ground of treatment stations amidst falling bombs to administer to the seriously wounded. Nurses have lost their lives, too, and the way these gallant women have endured privations, slept on the ground, and worked in the rain is the most noble story of American womanhood.

In treatment of battle casualties striking changes have taken place. Methods have been developed for the successful surgical treatment of wounds of the head, chest, and abdomen which were considered hopeless only two decades ago. The new method of taking surgery to the front lines in this war is paying off in lives saved. This contrasts favorably with the method of the First World War when surgery often had to be delayed for hours until troops could be taken to hospitals in rear areas, according to surgeons who served in both wars and saw both systems in operation. According to the Surgeon General, it is a well-established principle that the sooner treatment can be given the wounded the more successful will be the results. Thus far results have justified the Army's taking surgery to the front lines, with hundreds of highly skilled surgeons, trained technicians, and surgical nurses organized in every theater of operations.

New equipment has been invented for this front-line surgery, including mobile

surgical operating trucks and portable hospital equipment that may be carried on the backs of men through jungles, across icy streams, and up mountain passes.

The importance of blood plasma in saving the lives of men suffering from wounds and shock at the front cannot be overemphasized. It is a tribute to our citizens that donations of blood to provide this lifesaving substance now amount to 100,000 pints a week. This record must be sustained to meet the demand. Dried plasma is now going forward to all theaters and the product is being used on every battle line with un-failing success. I am proud to claim as a fellow citizen of my native State of Arkansas Brig. Gen. Charles C. Hillman, Chief of Professional Service in the Office of the Surgeon General, through whose keen foresight and early initiation of the plasma program the lives of thousands of our American soldiers have been saved.

After front-line surgery, the speed with which these patients may be evacuated accounts, in many cases, for their quick recovery. They are taken to rear hospitals within the theater, by air transport planes or hospital ships, and may be carried home when recovery is to be prolonged. Airplanes fly men out of areas that could not be reached any other way. Hospital ships make it possible to bring home large numbers of the wounded at one time.

Extremities wounds and injuries constitute from two-thirds to three-fourths of all wounds in this war. Land mines have been responsible for increased injuries to soldiers' feet and legs, but there are relatively fewer amputations due to new methods of treatment and improved surgery. There will be amputations incident to this war, but we must remember that many of them are cases that in all probability would have died in the last war for the want of blood plasma, sulfa drugs, and modern surgery.

Five general hospitals to which are assigned surgeons skilled in performing amputations and workmen especially trained in making and fitting artificial limbs, are designated as amputation centers. A special method of performing amputations now produces better results for the fitting of artificial legs and arms than ever before. Much time and thought is spent not only in getting the stump in shape for an artificial leg or arm but in fitting it and in training the soldier to use it. He will be assisted in this by watching other equally unfortunate soldiers who have become proficient at using theirs.

The chief value of the sulfa drugs and of the new drug, penicillin, has been to prevent and fight complicating infection in battle wounds. Research in connection with the use of these drugs is still being carried on, and much more will be learned, especially about penicillin, the medical department reports.

In detecting and curing diseases, the Army Medical Department is going to return healthier men to peacetime living, thus improving the general public health conditions. The greatest case-finding activity ever undertaken is the giving of

chest X-ray examinations to men inducted into the Army. This is now Army routine. These tests have been the means of detecting early tuberculosis in the case of thousands of men and women who, not suspecting that they had the disease, might have permitted it to progress to such an extent that it would result in their death and in the infection of many others. The present occurrence of tuberculosis is only one-tenth that of 1918 and 1919. Thus, the Army has done much to stamp out tuberculosis now and in the future.

A million men drafted into the Army who had bad teeth or dental diseases have been made dentally fit by the work of the Army Dental Corps. That number of men is equal to 65 divisions. Without such dental treatment, they would not have been fit to fight. Formerly men with teeth in such condition were rejected by our Army induction boards, but that meant such a loss of manpower that requirements were lowered, and the job of making them dentally fit was put up to the Dental Corps. Thus, the corps is not only rehabilitating men to fight Uncle Sam's battles but it will return home a large percentage of these men in far better physical condition as a result of improved dental health, thus achieving a general improvement in health conditions throughout the land.

The routine immunization of Army men against tetanus, one of the most feared complications of battle injuries during the First World War, has practically eliminated that death-dealing malady in this war. Among 1,252 casualties admitted to an evacuation hospital on Guadalcanal, during some of the operations there, no cases of tetanus developed, and only 1 case of gas gangrene occurred.

In the First World War deaths from pneumonia were 24 for every 100 cases. In this war, the rate is six-tenths of 1 percent. Recoveries are quickened by the use of the sulfa drugs.

The Army's record on meningitis shows amazing progress. The death rate in the First World War was 37 percent. During the past year, it has been between 3 and 5 percent. Now, when troops are threatened with meningitis, they are given sulfadiazine or sulfathiazole to prevent further spread of the disease. In one large camp in this country, it was found that 79 percent of the men had meningitis germs in their throats. This number was reduced in a few days to less than 1 percent by the administration to each individual of three doses of sulfadiazine.

Typhus fever, which has been the insidious fifth column in many countries since wars first began on this earth, is controlled by this powder and by the administration of typhus vaccine, so that in this war the disease is a negligible quantity in the soldier population's sickness records. Not a single death has been attributed to this infection.

The Army has recently set up at the Army and Navy General Hospital, at Hot Springs National Park, Ark., a center for the diagnosis and treatment of arthritis. Studies conducted there will

be the source of extensive knowledge for the whole medical profession now and after the war.

The reconditioning program of the Army—a departure from the old method of letting a patient lie in bed, with nothing to employ mind or body—has for its purpose the training of men physically and mentally while they are convalescing, so that they may be returned to duty with troops in fine fettle, and also so that they may be kept profitably occupied while in hospitals. Results show that the program makes for quickened recovery.

Liaison is maintained with the Veterans' Administration, the State vocational rehabilitation agencies, the Federal Security Agency, and the United States Employment Service of the War Manpower Commission in order that the Army program, as arranged for the patient who must be discharged from the service, may be complete.

Three special hospitals have been designated for the treatment of the deaf. While under the care of doctors skilled in the treatment of diseases of the ear, they receive instruction from experienced lip-reading and speech-correction teachers. They have the advantage of acoustic experts, and those who can be improved thereby are fitted with electric hearing aids.

Two hospitals also have been designated for eye surgery and for the special care of the blind while they are in need of hospital attention. Another facility is being set up by the medical department of the Army for the social rehabilitation of the blind of both the Navy and the Army, after the blinded individual no longer requires hospital treatment. At this social rehabilitation center the blinded individual will be taught to attend to his own personal wants, to go about safely on the streets, to read special writing for the blind, and to appreciate the fact that by developing his hearing and sense of touch he can compensate largely for his loss of sight. He will be enabled to develop occupational skills adapted to his previous experience and mental capabilities. Above all, he will be impressed with the fact that, despite his blindness, he is still a useful member of society, and that he can continue his career with pleasure and credit to himself and his associates. Upon discharge from the Army and from the social rehabilitation center for the blind, he will be able to go right ahead with vocational training, if he desires it, which will be provided by the Veterans' Administration.

With this excellent and comprehensive Army medical program, it is only necessary that we have sufficient doctors in the service to make it available to all our soldiers in every instance. It is significant that the rural areas of this land have supplied more of the volunteer doctors and nurses than have the big-city areas. In the rural areas, people are accustomed to pooling neighborly assistance in nursing during periods of illness, and doctors are so much in demand they are often forced to drive long miles into the country at any hour of the night to serve the sick. Yet, these people with

their limited health facilities appear to know how to sacrifice even further to send their doctors and nurses to the war front. Arkansas is proud of its record for furnishing doctors and nurses. My State supplied 200 percent more doctors in 1942 and 1943 than the quota assigned it by the Procurement and Assignment Service of the War Manpower Commission. It also gave 113 nurses in 1943, when it was asked for only 22 for both Army and Navy.

Arkansas is also proud of its record of heroes in the medical department. There is General King, who received the Distinguished Service Medal for the speedy organization of medical forces after the attack at Pearl Harbor, and thus saved the lives of an unprecedented number of the wounded, to gain the admiration of the entire medical world. Two privates first class are on the list of medical department heroes. Robert H. McNeeley, ambulance driver at Pearl Harbor, who evacuated the wounded, received the Legion of Merit award; and Robert W. Andrews received the Soldiers' Medal posthumously for diving into the sea in an attempt to save the life of another. I wish to take this occasion to recall the story of the heroism of a Navy Medical Corps officer, Lt. Comdr. Corydon M. Wassell, of Little Rock, Ark. How he gallantly contrived to get a dozen wounded men 50 miles from the Java seacoast to a small vessel, for a safe journey to Australia, is one of the classic annals of this war.

Too much praise of the service Medical Corps officers cannot be given. The man who watches over the health of our troops on the global fronts, accompanies them into battle, and risks his own life to attend them when wounded, must be a man with skill, courage, tact, and judgment of superior degree.

I should like to add briefly, in conclusion, that what I have said in the way of information about the medical care of those in the service is not the whole story of the medical profession in this war. The great number of physicians and nurses called into service has caused a great burden to fall upon those not in the armed services. It has caused long hours of additional labor.

Mr. President, regarding the physicians at home, I should like to quote a part of an editorial which appeared in the Arkansas Democrat, one of the leading newspapers in my State:

A physician, using an advertisement in the Nashville (Ga.) Herald, addresses a message to the people of Berrien and adjoining counties. He tells his neighbors he has broken under the strain of overwork resulting from the shortage of doctors caused by demands from the armed services. After consultation in Atlanta he has been told that he must discontinue his long hours or run the risk of complete impairment of his health. So he says he will limit his labors to 8 hours a day and will be unable to make any residential calls. Instead, his patients must come to the hospital at Nashville, where they will be given temporary treatment by the resident nurses and he will see them during his regular hours. There are two points of interest in this, one of many simple but glorious annals of the country doctor. First, a reminder that the majority of practitioners in the rural districts today are older men. They would like to retire,

they say, but their devotion to duty keeps them plugging along doing their best for their patients, hypocritically declaring that there is no sentiment involved.

The second point is that this country doctor cheerfully takes up the routine of an 8-hour day, feeling that it is far too short but the best he can do.

These physicians are meeting the crisis in a wonderful spirit.

Mr. President, I have been glad to pay this well-deserved tribute to the medical profession, and at the same time to give information to those who have relatives and friends among our fighting men, so that they may know the story. I am sure they will be glad to have this information, as I was when I investigated the situation.

CONFIRMATION OF NOMINATIONS ON THE EXECUTIVE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that, as in executive session, the routine nominations on the Executive Calendar may be considered and confirmed, and that the President be immediately notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. McFARLAND in the chair) laid before the Senate a message from the President of the United States submitting several nominations in the Army which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

DEATH OF SECRETARY OF THE NAVY FRANK KNOX

Mr. BARKLEY. Mr. President, we have all heard with the profoundest grief of the death of the Secretary of the Navy, Frank Knox. I am sure that not only the Senate but the whole country will be shocked at the news of the untimely and sudden death of our Secretary of the Navy, who during the great war crisis has filled in a magnificent way the position assigned to him by the President of the United States, and, indirectly, by the Senate.

Secretary Knox was a man of outstanding ability, of the sincerest character, and of unimpeachable motives. He served his country in a nonpartisan way, laying aside for the time being any partisan considerations, as so many hundreds of thousands and millions have done in this great war. It is with the deepest of sorrow that I am compelled to announce his death to the Senate. I am sure that I speak the sentiments of all Members of this body, regardless of party, in expressing our great grief over this deplorable loss to our country, and in expressing our profoundest sympathy to his family.

Mr. President, I send forward a resolution which I ask to have read.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read the resolution (S. Res. 287), as follows:

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Frank Knox, late Secretary of the Navy.

Resolved, That a committee of seven Senators be appointed by the President of the Senate to join a committee of the House of Representatives in attending the funeral of the late Secretary of the Navy on behalf of Congress and to take such other action as may be proper in honor of the memory of the deceased and to manifest the respect and appreciation of Congress for his public service.

Mr. WHITE. Mr. President, the news which has just been announced reaches us with terrific suddenness and with heavy impact.

Secretary Knox was a native of New England. He was born in the city of Boston. After spending his early years in that section of the country he moved westward, and I believe he went to school and began his active life in the State of Michigan. He was a newspaperman by profession. He published newspapers in the States of New Hampshire and Michigan, and I believe elsewhere, which had a circulation throughout the length and breadth of this land.

Secretary Knox was a forceful character. By his industry, his forthrightness of thought, and his close and diligent attention to every detail of every duty which came before him, he mounted to the very topmost round of his profession.

Perhaps the outstanding characteristic of Secretary Knox's life was a burning, vibrant patriotism. In his early youth he served as a Rough Rider under the command of Theodore Roosevelt. Later, when past what is usually considered military age, he served in the Army of the United States in the First World War, and saw service on the active battle front in France.

Mr. President, in the present war Secretary Knox has rendered service which has exacted of him what I firmly believe to be the utmost measure of devotion which a man can render his country. I believe the arduousness of his duties and the weight of his responsibility so rested upon him as to make a direct contribution to his untimely end.

Secretary Knox was an aggressive character, a fighting character. There is satisfaction in the thought that always he fought for those things which he believed to be right. Always he could be found to be arrayed against those things which he believed to be wrong. He always served without partisanship, and with the highest patriotism.

Mr. BRIDGES. Mr. President, I join with the distinguished majority leader [Mr. BARKLEY] in this poor and halting tribute to Secretary Knox. I express to his family assurances of the regard which we had for him during his lifetime, and our deep sympathy to them in his untimely death.

Mr. President, like my colleagues of the Senate, I am deeply shocked and saddened to hear the news of the very untimely death of Secretary of the Navy Frank Knox. For nearly a quarter of a century he has been a personal friend of mine. In his passing I lose a very dear and trusted friend, and the Nation loses an outstanding leader and a great American.

He combined those traits of character which I admire in any individual. He had ability, courage, loyalty, forthright-

ness, and steadfastness. These were manifest throughout his entire career.

Frank Knox was a native of New England. He was born in Boston on January 1, 1874, 70 years ago. He then migrated to the Midwest and lived there during the early period of his life. Later he returned to New England, where he published in my State of New Hampshire a newspaper known as the Manchester Union Leader, one of New England's leading publications. He had a very brilliant record in business, civic affairs, politics, and in the service of his country.

During the Spanish-American War he served as a member of the first regiment of United States Volunteers, which was commonly known as the Rough Riders. In the First World War he entered as a private and rose to the rank of major, serving in the Three Hundred and Third Ammunition Train of the Seventy-eighth Division. He saw active service for a very long period in France and won distinction for his participation in the St. Mihiel drive and the Meuse-Argonne offensive.

In the current war he served his Nation as Secretary of the Navy. He assumed the Secretaryship on July 11, 1940. Under his leadership he saw the Navy grow until it is today the finest sea-fighting force of any nation in the world; it is the most powerful Navy which any nation in the history of the world has ever had. He has seen it in recent months move on and take the offensive against the Japs. I recently talked with him, and he told me about his pride and satisfaction in the success of the Navy in the Pacific.

All of us can thank God that the objective to which he so selflessly dedicated the last years of his life—the building of a strong and powerful Navy—was attained prior to his death. It was Colonel Knox's energy, his vigor, and his vision that contributed to bringing about this result. This achievement, probably as much as any other factor, will shorten the duration of the war. In the building of this Navy he was a part of the team. He never would talk about his achievements, nor would he permit his efforts to be singled out above those of others.

Frank Knox has been an editor, publisher, and businessman. He published newspapers in New Hampshire and Illinois. In my State, his paper was the Manchester Union Leader, an outstanding publication; and in Illinois, the Chicago Daily News, one of the great daily newspapers of the Nation.

He was interested in politics, and he was a distinguished member of the Republican Party. It was my privilege in 1936 to place his name in nomination for Vice President of the United States at the Republican Convention held in Cleveland, and he finally was nominated by a practically unanimous vote as the Vice Presidential candidate of the Republican Party. He did credit to that party as one of its standard bearers.

His first active interest in politics was in 1911 when he became Theodore Roosevelt's pre-convention Midwest campaign manager. He was one of the moving spirits of the formation of the Pro-

gressive or Bull Moose Party in 1912, having idolized and believed in Theodore Roosevelt from the date of his service under him as a member of the Rough Riders.

Several years before the outbreak of the World War No. 2, he was pointing out the threat of Naziism and fascism in the world and urging the preparedness of this country. When the European war finally broke on the horizon, he advocated all possible aid to the Allies.

In 1940 President Roosevelt called him to the service of his country as a member of the Cabinet, and from the date he assumed the duties of the Secretary of the Navy, he laid aside partisan politics and has rendered able and outstanding service in that capacity.

Through the most perilous period in our Nation's and in the world's history, he has guided and directed one of the most important departments in the war effort. Even in the dark days following Pearl Harbor when many a weaker heart was discouraged, he had faith and carried on. He was one of the few who knew how effective the Japanese sneak attack on Pearl Harbor was. He was one of the few who knew that the striking force of our Navy in the Pacific had been seriously crippled, but he did not falter, he responded with the same fearlessness which inspired Americans in other days, and he carried on and he made good.

The American Navy and its status today and the record bear witness to the great value of his able, patriotic, and distinguished public service. He lived through an eventful period of our Nation, a period when history was in the making, and he helped make that history.

He was one of the ablest men of his generation. His integrity, his vision, his honor, his courage were known to all who came in contact with him. He was never touched by the pomp of power. He was human to the end.

In our State of New Hampshire he left his mark. Few men have made the contribution to the civic, business, and public life of our State that he has made.

We shall miss him. His place will be hard to fill. His death was a casualty to the war effort just as truly as if he had been killed on the fighting front.

My heart goes out to Mrs. Knox, a gracious, charming, wonderful lady, who has been his helpmate through the greater period of his life. I am sure I am expressing the sentiments of my colleagues and the people of my State when I extend to her and to other members of the family our sincerest sympathy and deepest solicitude.

This is but my humble tribute to a personal friend and a great American.

The PRESIDING OFFICER. The question is on agreeing to the resolution submitted by the Senator from Kentucky [Mr. BARKLEY].

The resolution was unanimously agreed to.

The PRESIDING OFFICER. The committee will be appointed at a later time.

Mr. McKELLAR. Mr. President, as a further mark of respect to the memory of the deceased Secretary of the Navy, I

move that the Senate now take a recess until Tuesday next at 12 o'clock noon.

The motion was unanimously agreed to; and (at 2 o'clock and 1 minute p. m.) the Senate took a recess until Tuesday, May 2, 1944, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 28 (legislative day of April 12), 1944:

APPOINTMENTS FOR TEMPORARY SERVICE IN THE ARMY OF THE UNITED STATES

TO BE LIEUTENANT GENERAL

Maj. Gen. Lewis Hyde Brereton (colonel, Air Corps), Army of the United States.

Maj. Gen. Barney McKinney Giles (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

TO BE MAJOR GENERAL

Brig. Gen. Elwood Richard Quesada (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 28 (legislative day of April 12), 1944:

PUBLIC UTILITIES COMMISSION, DISTRICT OF COLUMBIA

TO BE PEOPLE'S COUNSEL

James W. Lauderdale

IN THE MARINE CORPS

TO BE SECOND LIEUTENANTS

Donald B. Hubbard	Hedge F. Henn, Jr.
Frank W. Stopinski, Jr.	John C. Pritchett
	Richard C. Andrews
Myron K. Minnick	Wilson B. Baugh, Jr.
William R. Shockley	Robert W. Allen
Edward R. Messer	Frederick R. Korf

POSTMASTERS

WASHINGTON

Bertha M. Symonds, American Lake.
Arnold G. Thorsen, Graham.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 28, 1944

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore.

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication, which was read:

APRIL 28, 1944.

I hereby designate the Honorable JERE COOPER to act as Speaker pro tempore today.
SAM RAYBURN.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou whose hand hast brought us unto this day, accept our thanksgiving as our prayer is set before Thee as incense. Help us to reverence our high calling and prize our good name, esteeming our time and influence as choice treasures. Enable us to adorn our position by heeding the lessons of Thy grace and providence. We would be free of the restless will and seek the lucid lights of the soul which are exceedingly precious.